

PLAINTIFFS' EXHIBIT 5

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1 UNCERTIFIED REALTIME ROUGH DRAFT OF

2 ALLISON HENRIX TAKEN 5/5/2022

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14 THE VIDEOGRAPHER: Okay. We are on the

09:16:26 15 record it's 9:16 a.m. Pacific time on May 5th,

16 2022. This is the deposition of Allison Hendrix.

17 We are here in the matter of In Re: Facebook, Inc.

18 Consumer Privacy User Profile Litigation. I'm John

19 Macdonell the videographer with Veritext. Before

09:16:45 20 the reporter swears the witness would counsel

21 please identify themselves beginning with the
22 noticing attorney please.

23 MR. KO: Good morning, everyone.

24 David Ko of Keller Rohrbach of plaintiffs and with
09:16:59 25 me here today is Cari Laufenberg, Derek Loeser,

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09:17:04 1 Emma Wright and Adele Daniele I believe also of
2 Keller-Rohrback.

3 MR. BLUME: And good morning this is Rob
4 Blume from Gibson Dunn on behalf of Ms. Ali Hendrix
09:17:20 5 and Facebook.

6 And on the video is with me in the room
7 is Prachi Mistry, Kelly Herbert and Ian Chen from
8 Facebook at Gibson Dunn and on the video I think is
9 Joe LoPresti, Dana Zolle Hauser, Andrew Kuntz and I
09:17:48 10 think that's all we have.

11 SPECIAL MASTER GARRIE: This is
12 Special Master Garrie on behalf -- behalf of the
13 Court.

14 MR. BLUME: And --

09:18:02 15 MR. KO: Pretty big crowd.

16 MR. BLUME: And the part -- as we spoke
17 before we went on the record, the transcript we

18 seek to have the transcript conversation under the
19 existing protective orders.

09:18:13 20 THE COURT REPORTER: If you could raise
21 your right hand for me, please.

22 THE DEPONENT: (Complies.)

23 THE COURT REPORTER: You do solemnly
24 state, under penalty of perjury, that the testimony
09:18:13 25 you are about to give in this deposition shall be

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09:18:13 1 the truth, the whole truth and nothing but the
2 truth?

3 THE DEPONENT: I do.

4 ALLISON HENDRIX,
09:18:13 5 having been administered an oath, was examined and
6 testified as follows:

7

8 EXAMINATION

9 BY MR. KO:

09:18:40 10 Q. Good morning Ms. Hendrix?

11 A. Good morning.

12 Q. We met off the record, but my name is
13 David Ko of Keller -- backand I will be taking your
14 deposition today.

09:18:52 15 I believe you have taken your -- I
16 believe you have taken a deposition before; is that
17 correct?
18 A. Yes.
19 Q. So you know how this goes a bit but let
09:19:02 20 me remind of a few of the ground rules that are
21 most important to me.
22 The most important task here today is to
23 create a clean record and for Rebecca the
24 court reporter to transcribe everything that we say
09:19:14 25 so please wait I've finished my question before

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09:19:20 1 moving onto answer even though you think the answer
2 likewise until you finish your response before
3 moving onto my next question.
4 Does that sound fair?
09:19:28 5 A. Yes.
6 Q. And to the extent I ask a yes-or-no
7 question and your response is in -- it is important
8 for the record to answer in that manner rather than
9 shaking your head or giving an inaudible response.
09:19:45 10 Does that sound fair?
11 A. Yes.

12 Q. From time to time your counsel Mr. Blume
13 may object to some of my questioning. But unless
14 he clearly instructs you not to answer I -- I ask
09:19:57 15 that you respond to my question nonetheless.

16 Does that sound fair?

17 A. Yes.

18 Q. And we'll be here for a few hours it
19 won't be an entire long day of seven -- seven or
09:20:10 20 eight hours like a normal deposition but it will be
21 a pretty long day. So if at any time you need a
22 break, just please let me know and I will do my
23 best to accommodate.

24 Okay.

09:20:20 25 A. Yes.

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09:20:25 1 Q. Ms. Hendrix, by the way, would you prefer
2 Ms. Ms. Hendrix Allison how would you like to be
3 addressed during this deposition?

4 A. Ms. Hendrix is fine.

09:20:35 5 Q. Okay. Great. Ms. Hendrix anything that
6 you any that prevent from testifying honestly or
7 truthfully today?

8 A. No.

9 Q. Great.

09:20:46 10 Let me start by showing you the notice
11 that governs your term today.

12 So let's start with the 30(b)(6) notice
13 that I assume you have seen. But we'll talk about
14 that here in a second.

09:21:07 15 I can see the little confused the
16 exhibits will be shown to you both on this platform
17 that you can access or I believe if you would like
18 we can share it on the screen for you.

19 Whatever you prefer?

09:21:23 20 A. I wasn't sure if the machine next to me
21 was -- was what I was going to be viewing it on and
22 it looks like it's you might need to log in to into
23 it.

24 (Discussion off the stenographic record.)

09:21:57 25 Q. (By Mr. Ko) So while that's being fired

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09:21:59 1 up I will note for the record. This exhibit will
2 be exhibit 330.

3 (Exhibit 330 was marked for
4 identification by the court reporter and is

09:22:03 5 attached hereto.)

6 MR. KO: And it many be a copy of the
7 30(b)(6) notice dated March 1st, 2022.

8 Q. (By Mr. Ko) Let me know when you have
9 that up?

09:22:20 10 A. If folder currently appears to be empty
11 but maybe I need to do something.

12 Q. Yeah, give it a little time?

13 MR. BLUME: Click on that right there.

14 THE DEPONENT: Yes.

09:22:33 15 MR. KO: You need refresh. Great.

16 While you do that for the record is clear
17 that exact title of this documents plaintiffs
18 second amended notice of deposition of defendant
19 Facebook pursuant to FRCP 30(b)(6).

09:22:51 20 Q. Do you see that document in front of you
21 now Ms. Hendrix?

22 A. I do.

23 Q. Have you seen this notice before?

24 A. I believe so, yes.

09:22:59 25 Q. You are testifying on certain topics in

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09:23:01 1 this notice, correct?

2 A. Correct.

3 Q. And let me turn your attention page 11
4 section 3 of this notice?

09:23:27 5 A. I'm not see a section three of what
6 appears to be page 11.

7 Q. Go ahead to page 11 of the notice and I
8 don't know what PDF you may have up I'm talking
9 about the page 11 of the notice itself that appears
09:23:40 10 at the bottom of -- of the document?

11 A. I'm on what seems to be page 11 and it
12 starts with matters for testimony.

13 Q. Right. And so by section three I'm just
14 simply referring to roman numerals 3 that proceeds

09:23:56 15 --

16 A. Okay.

17 Q. -- proceeds the matters?

18 A. All right. I'm here.

19 Q. So do you see.

09:24:04 20 Great. Do you see under matters for
21 testimony a topic 1?

22 A. Yes.

23 Q. And to state that you are testifying on
24 topic 1 of this notice?

09:24:20 25 A. Yes.

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09:24:24 1 Q. Turn with me to the next page to topic 3.

2 Is it accurate to state that you are testifying on
3 topic 3 of this notice?

4 A. Yes.

09:24:41 5 Q. And sorry go a little out of order now go

6 back to page 11 topic two is it accurate to state
7 that you are testifying on some aspects of topic
8 two of this notice?

9 A. Yes.

09:24:57 10 Q. In particular you are testifying as to
11 topics 22B and 2D except as those topics relate to
12 targeted advertising, correct?

13 A. Yes.

14 Q. Would you agree with me that topics 2B
09:25:14 15 and 2D have relationship -- have some relationship
16 to topic 3?

17 MR. BLUME: Objection. Form.

18 THE DEPONENT: What do you mean?

19 Q. (By Mr. Ko) Do you understand the word
09:25:29 20 "related" means?

21 MR. BLUME: Objection. Form.

22 THE DEPONENT: I know what the word
23 related means and if you want to repeat your
24 question I can slowly look at this and see.

09:25:46 25 Q. (By Mr. Ko) Sure.

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09:25:47 1 Are topics 2B and 2D related to topic 3?

2 MR. BLUME: Objection. Form.

3 THE DEPONENT: So you are asking how

4 topics 2B and 2D are related to 23?

09:26:15 5 Q. (By Mr. Ko) No. I'm not -- first of

6 all, I'm not asking how. And I'm not -- and I

7 didn't talk about 23, I said are topics 2B and 2D

8 related to topics 3?

9 MR. BLUME: Objection. Form.

09:26:33 10 MR. KO: Mr. Blume in the past just for

11 edification we had had a standing objection or

12 we've stipulated to a standing objection as to form

13 and I'm happy to do that here to the extent those

14 objections are -- are form objections.

09:26:50 15 MR. BLUME: Well, I don't -- I don't

16 think we can.

17 MR. KO: You don't want to tip late

18 that's fine.

19 MR. BLUME: I prefer not a standing

09:26:56 20 objection I just I'm not sure I'm not even sure

21 what you mean, but that's -- my objection is to the

22 form of the question.

23 THE DEPONENT: Yeah, I -- I can't -- I'm

24 going to decline to answer that because like we --

09:27:08 25 we never sold data so it's like I'm not going wrap

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09:27:14 1 all of these statements in together and say they

2 are related. I'm sorry.

3 Q. (By Mr. Ko) Okay. Is topics are aspects

4 of topic 2B and 2D this is not a trick question

09:27:26 5 this is just a basic are aspects of 2B and 2D

6 related in any way to topic 3?

7 MR. BLUME: Objection.

8 THE DEPONENT: What do you mean by

9 related. Maybe you can help me?

09:28:09 10 Q. (By Mr. Ko) I'm -- I'm the Webster

11 dictionary but I have a very common understanding

12 of what the word related means.

13 Do you have an understanding of what the

14 word related means?

09:28:19 15 A. I would love to under -- I would love to

16 understand what your common understanding is.

17 Q. Is there --

18 A. That could help me answer this question.

19 Q. So your counsel designated you and you
09:28:36 20 can send to testify as to topics 2B and 2D and you
21 answered yes to that question, correct?

22 A. I can testify with respect to the topics
23 that I already acknowledged that I'm here to
24 testify.

09:28:51 25 Q. So you assume you have an understanding

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09:28:53 1 of what topics 2B and 2D encompass; is that
2 correct?

3 A. Yes.

4 Q. If the Court or the jury wanted to know
09:29:07 5 whether or not Ms. Hendrix believed that topics 2B
6 and 2D were in anyway shape or form related to
7 topics 3 how would you respond to that question?

8 MR. BLUME: Objection. Speculation.

9 Vague.

09:29:22 10 THE DEPONENT: So 3B is identification by
11 category of the type of data or information to
12 which Facebook sold again we've never done that.

13 Made ex I believe able or made available or allowed
14 third parties to use -- to target users which I'm

09:29:41 15 not here to testify to on ads the types well let's

16 go to B.

17 The purposes for which such data or
18 information was shared or made available -- made
19 accessible or permitted third parties to target the
09:29:54 20 later of which I'm not here to speak to.

21 How Facebook insured third parties use of
22 such data or information was limited to the use
23 case.

24 And when we go to topic 3 an overview of
09:30:08 25 the processes of developing privacy or app settling

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09:30:12 1 or other controls made available to users to
2 prevent or limited their data or information from
3 being accessed by third parties including the dates
4 during which each app setting or other controls
09:30:24 5 were available.

6 And I will go ahead and help us not
7 continuing to read it. So topic two does speak to
8 the platform. And topic 3 speaks to how people
9 could use settings to control information through
09:30:41 10 the platform, so they are somewhat related.

11 Q. (By Mr. Ko) Okay. Thank you.

12 In particular topic 3C in which you

13 indicated earlier that you are were testifying on
14 behalf of Facebook for indicates that you will be
09:31:03 15 providing testimony as to Facebook's monitoring an
16 enforcement of contractual terms with third
17 parties.

18 Do you see that -- of course Ime has some
19 extra language but do you see topic 3C?

09:31:14 20 A. I do.

21 Q. Do you feel that that has any
22 relationship with topic 2D which asks for how
23 Facebook insured third parties use of such data or
24 information was limited to the use case?

09:31:26 25 MR. BLUME: Objection. Form.

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09:31:40 1 THE DEPONENT: Those topics are similar.

2 Q. (By Mr. Ko) Great. Thank you.

3 I believe you are also tasked -- turn to
4 page 13 of the notice and in particular topic 66?

09:32:05 5 A. I just read it.

6 Q. Is it accurate to state that you also
7 testifying as to some aspects of topic 6 of this
8 notice?

9 MR. BLUME: Objection. She's not -- we

09:32:22 10 are not presenting her as a witness on topic six so
11 no I can contrary.

12 MR. KO: That's on -- Mr. Blume indicate
13 that Ms. Hendrix is testifying as to the portions
14 of topic.

09:32:33 15 MR. BLUME: Right. You are right I'm
16 sorry. My you are absolutely right. Mr. Ko,
17 that's right. I'm sorry.

18 Q. (By Mr. Ko) Let me restate the question?

19 A. I and prepared.

09:32:42 20 Q. Let -- sorry -- sorry Ms. Hendrix I
21 apologize. Let me so we have a clean record. Let
22 me just ask it again.

23 Is it accurate to state testifying as to
24 some aspects of topic 6 of this notice?

09:32:56 25 A. Yes.

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09:32:57 1 Q. In particular, you are testifying as to
2 "the development of friend sharing" and "the
3 communication of this technology to users including
4 the drafting of Facebook's terms of service SRR and

09:33:16 5 data and privacy policies related to friend
6 sharing" and I added a -- to there but is it

7 accurate to state that you are testifying as to
8 that portion of topic 6?

9 A. The first part, no. But I am here to
09:33:32 10 talk about the -- the -- like the drafting of
11 Facebook's terms of service. SRR and data and
12 privacy policies related to friend sharing.

13 Q. Great. Thank you that's helpful.

14 So it's accurate to state that you are
09:33:46 15 testifying on behalf of Facebook today as to the
16 drafting of Facebook's terms and service SRR, and
17 data and privacy policies related to friend
18 sharing, correct?

19 A. Yes.

09:34:01 20 Q. And for all of these topics that we just
21 went through, which is -- which are topic -- topics
22 1 portions of two including 2B and 2D. Topic 3 and
23 portions of topic 6, you understand that you are
24 testifying on behalf of Facebook, correct?

09:34:20 25 A. Correct.

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09:34:22 1 Q. Do you understand that you are not
2 testifying in your individual capacity, correct?

3 A. That's correct and just to qualify for

4 2B, not the -- the third parties to target.

09:34:37 5 Q. Correct.

6 You are not here to testify as to the
7 aspects of topic two related to targeted
8 advertising?

9 A. That's correct.

09:34:50 10 Q. Do you understand that your testimony is
11 binding on the company?

12 A. Yes.

13 Q. Now pursuant to the notice this -- these
14 topics and your testimony today will cover the time
09:35:09 15 period from January 1st, 2007 to the present.

16 Do you understand that time period
17 reflected in the notice?

18 A. I do.

19 Q. Great.

09:35:21 20 So unless I otherwise specify, a range or
21 a specific date that I'm interested in with respect
22 to my question, my questions will generally relate
23 to this entire time period.

24 Okay.

09:35:36 25 A. I understand.

09:35:40 1 Q. Ms. Hendrix, what did you do to prepare
2 for this deposition?

3 A. I -- I reviewed a number of documents. I
4 met with fellow teammates. I met with my counsel.
09:36:05 5 I'm -- would you like me to go into defense tile.

6 Q. I ask some follow-up questions thank you.
7 When you say "teammates" what do you mean
8 by that?

9 A. I -- I met with individual employees at
09:36:23 10 Meta Facebook so that I could prepare for these
11 topics.

12 Q. And by the way thank you for reminding me
13 of Facebook's new corporate name. I just want make
14 sure the record is clear.

09:36:38 15 Your testimony today is on behalf of both
16 Meta and Facebook; is that fair?

17 A. Yes.

18 Q. And so to the extent I say Facebook that
19 will be son minus a Meta and the Meta that will be
09:36:55 20 synonymous with Facebook; is that okay?

21 A. Yes.

22 Q. And your corporate testimony pursuant to
23 rule 30(b)(6) will also be on behalf of meth
24 targeted advertising and Facebook, correct?

09:37:07 25 A. Yes.

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09:37:10 1 Q. So the individuals and employees that you
2 spoke with at Facebook, what groups or departments
3 were they a part of?

4 MR. BLUME: Objection. Form.

09:37:31 5 THE DEPONENT: I met with -- it might be
6 easier if I just state the individual's names.

7 Q. (By Mr. Ko) Sure.

8 What -- how many -- approximately how
9 many individuals did you meet that were -- and this
09:37:47 10 is just with respect to the Facebook employees that
11 you described?

12 A. So setting aside our lawyers, I met with
13 Simon Cross, Eddie O'Neil, Rob Sherman, Preti** his
14 name is hard to pronounce it starts with a P.

09:38:18 15 I -- I think -- oh and Kristy Cook. I
16 think those -- I think that's a comprehensive list
17 of the people that I met with over videoconference.

18 Q. And with respect to Kristy Cook and --

19 A. Oh, forgot, Ed Palmieri. Edward
09:38:48 20 Palmieri.

21 Q. So I count six individuals that you met
22 with in preparation for this deposition at least

23 six individuals at Facebook setting aside your
24 lawyers; is that correct?

09:39:04 25 A. Yes, those -- those are the teammates

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09:39:06 1 that I sought additional information from.

2 Q. And with respect to pre at any time tee
3 and Kristy what departments at Facebook are they
4 in?

09:39:19 5 A. I'm going to refer to my notes here. She
6 so pretty tee is the functional head for user
7 research and Kristy is a member of the -- I think
8 present day she's on the global operations team
9 that's led by John DeVine.

09:39:56 10 Q. And you say presently that's her role.
11 What was her role prior to that?

12 MR. BLUME: Objection. Form.

13 THE DEPONENT: Her role hasn't changed
14 but there was -- but her team was moved into a

09:40:11 15 different org recently and I can't recall the name
16 of exactly which org she had been sitting in
17 before. But her day-to-day responsibilities as I
18 understand them haven't -- haven't changed.

19 Q. (By Mr. Ko) And you just indicated that

09:40:32 20 you were looking at some your notes. So I assume
21 you brought some notes with you to this deposition
22 today?

23 A. Yes, I -- I did.

24 Q. Are they notes that you created yourself?

09:40:46 25 A. Yes.

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09:40:49 1 Q. And those are notes that you've obviously
2 referred to once and that intend to refer to
3 throughout this deposition, I assume?

4 A. If needed. I mean, I probably spent 30,
09:41:01 5 40 hours like preparing just -- just meeting with
6 counsel, let alone all of time reviewing all of the
7 documents. So as I'm sure you can imagine, this is
8 very lengthy period of time, so I felt comfortable
9 that I -- I wanted to be helpful to you. And be
09:41:22 10 able to responsive so yes, I -- I asked if I create
11 notes and -- and I created them.

12 Q. Appreciate that.

13 MR. KO: Counsel Blume, we would request
14 a copy and a version of these notes following this
09:41:39 15 deposition.

16 MR. BLUME: Noted.

17 Q. (By Mr. Ko) Now earlier you had asked or
18 you had indicated that there were some documents
19 that you reviewed in connection with your
09:41:56 20 preparation did those documents consist of
21 documents that understood were provided by
22 plaintiff's counsel in connection with this
23 deposition?
24 A. I did receive documents that you guys
09:42:17 25 sent over a handful of days ago, I think.

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09:42:23 1 Q. And did you review all those documents?
2 A. I did look through I didn't read every
3 word but I did review them all.
4 Q. And other than tranche of documents I
09:42:36 5 assume you reviewed other additional documents in
6 connection with this -- in connection with
7 preparing for this deposition?
8 A. Yes.
9 Q. Okay. And can you describe -- tell me
09:42:48 10 what those documents consisted of?

11 A. I probably won't be comprehensive I will
12 do my best so it's news room posts, tasks, emails,
13 I believe the documents that we've shared with you,

14 which and then transcripts from prior testimony.

09:43:23 15 Like yeah, I -- I don't know if you want me to go
16 further but it was, you know, a lot of materials.

17 Q. No that's great I was just trying to get
18 a general understanding of the types and categories
19 of documents you reviewed and so that was helpful.

09:43:38 20 When you said that there were documents
21 that "we've shared with you."

22 Do you mean to talk about the documents
23 that Facebook has produced in connection with
24 discovery in this case or are you talking about
09:43:53 25 some other set of documents that were shared?

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09:43:56 1 A. I believe these are the documents that
2 we've introduced to you in connection with my
3 testimony.

4 Q. Okay. So you believe that there was a
09:44:06 5 specific set of documents that were provided to us
6 in connection with this testimony?

7 MR. BLUME: And I will object to the
8 extent that that your understanding of what was
9 produced and when and to whom came from discussions
09:44:22 10 with counsel that you should not respond to that

11 question.

12 Q. (By Mr. Ko) Are you going to follow your
13 counsel's instruction?

14 A. Yes, I don't have anything further to add
09:44:39 15 than what I said.

16 Q. Take a look at schedule B of the notice,
17 which is Exhibit 330 and it's at page 16?

18 A. Okay I'm here.

19 Q. There is a paragraph, paragraph 1 that to
09:45:08 20 be fair it doesn't ask you directly it asks four
21 counsel to produce and provide all documents which
22 the person Facebook designates to testify on its
23 behalf has consulted or reviewed or plans to
24 consultant in preparation for this deposition and
09:45:23 25 has relied upon or will rely upon testimony

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09:45:27 1 concerning the above deposition topics ."

2 Did I read that correctly?

3 A. Yes.

4 Q. And you had indicated that in addition to
09:45:34 5 the documents we provided to you that you have
6 reviewed a large set of additional categories of
7 documents to prepare for this deposition, correct?

8 MR. BLUME: Objection.

9 THE DEPONENT: I would bucket into --

09:45:50 10 into two categories. Those documents that you
11 noticed us on and those documents that we provided
12 to you. I didn't --

13 Q. (By Mr. Ko) And with --

14 A. -- review other documents.

09:46:04 15 Q. Right. I was talking about this --
16 this -- that second later categories apologize if I
17 was unclear.

18 So --

19 A. Well --

09:46:13 20 Q. -- in addition --

21 A. The third bucket is my notes.

22 Q. Okay. Great. Thank you for that
23 clarification.

24 So there -- there -- to be clear, there
09:46:24 25 is a set of documents that you reviewed in

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09:46:30 1 preparation for this deposition outside of the
2 documents we provided to you, correct?

3 A. Yes.

4 MR. KO: Okay, Counsel Blume --

09:46:46 5 THE DEPONENT: I should --
6 MR. KO: Go ahead.
7 MR. BLUME: Go ahead.
8 THE DEPONENT: Well, I -- I -- I had a
9 deposition in another matter very, very recently
09:46:56 10 and so in terms of scope and me really wanting to
11 make sure that I'm being really responsive,
12 you know, over the last couple of months I have had
13 to review documents that might have been odd of
14 scope. But -- but that would -- I don't know.
09:47:15 15 Like I just want to make sure like I -- I did
16 review documents not too long ago for another case
17 but I don't know if they are relevant to this.
18 Q. (By Mr. Ko) Understood. Thank you for
19 that explanation.
09:47:31 20 MR. KO: So Counsel Blume we would
21 request consist with both the schedule and our
22 previous request that you produce to us all the
23 documents that Ms. Hendrix reviewed in connection
24 with preparing for this deposition today and I will
09:47:50 25 also note to reserve the right to reopen this

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****CONFIDENTIAL ROUGH DRAFT****

09:47:52 1 deposition after you produce those documents to us.

2 MR. BLUME: All -- all of those documents
3 have been produced in discovery. You already have
4 every document that she looked at in preparation
09:48:03 5 for this 30(b)(6) witness and so pursuant to
6 discovery protocol those do not have to be produced
7 again. So but you have them all.

8 MR. KO: Thank you for that explanation
9 and our view we would like to know the specific
09:48:18 10 documents and not just a reference to the -- the
11 entire discovery production.

12 MR. BLUME: And that is I don't remember
13 go ahead.

14 MR. KO: Yeah. So we -- just to clarify
09:48:29 15 we would renew our request consist with this notice
16 and consist with our prior request in and meet and
17 conference that you prepare and produce this
18 material with the specific reference to which
19 documents were reviewed by Ms. Hendrix.

09:48:45 20 MR. BLUME: And we would object. It's
21 work product engages privileged conversations and
22 pursuant to the discovery protocol not -- we are
23 not required to reproduce documents for purposes of
24 depositions that already been produced in discovery
09:49:02 25 every document that she reviewed that in

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CONFIDENTIAL ROUGH DRAFT

09:49:06 1 preparation for this 30(b)(6) deposition has been
2 previously produced.

3 THE DEPONENT: And can testify --

4 MR. BLUME: Wait for a question.

09:49:13 5 THE DEPONENT: Oh, sorry.

6 Q. (By Mr. Ko) Sorry. Ms. Hendrix what you
7 were going to say?

8 A. I might --

9 MR. BLUME: Is -- is there a question?

09:49:23 10 MR. KO: I said yeah the question what
11 were going to say.

12 THE DEPONENT: I --

13 Q. (By Mr. Ko) Go ahead.

14 A. I might -- I might have caused a noise

09:49:32 15 because I can testify well I am testifying, I
16 didn't open up any of those old -- I was just
17 trying to be clear that I -- I have -- I have
18 testified recent on another case. But after I
19 testified I never reviewed any of those documents
09:49:52 20 but it sound like you already have them anyway.

21 Q. What case did you testify recently on?

22 MR. BLUME: Hang on.

23 Okay. You can answer.

24 THE DEPONENT: It -- it was the DC

09:50:14 25 attorney general case.

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CONFIDENTIAL ROUGH DRAFT

09:50:18 1 Q. (By Mr. Ko) Thank you.

2 MR. KO: By the having Mr. Blume I'm
3 having trouble hearing you a little bit.

4 MR. BLUME: Oh --

09:50:24 5 MR. KO: When you note object or note
6 anything for the record if you clean over and speak
7 into the microphone that would helpful. Thank you.

8 MR. BLUME: How is that; is that better.

9 MR. KO: Yeah, I think so, thanks.

09:50:36 10 Q. (By Mr. Ko) And when was that deposition
11 Ms. Hendrix?

12 A. I don't remember the precise date.

13 Q. Approximately when requests that
14 deposition Ms. Hendrix?

09:50:58 15 A. It was in June.

16 Q. June of 2021?

17 A. 2022.

18 MR. BLUME: We are only in May.

19 MR. KO: Oh, May.

09:51:10 20 THE DEPONENT: Oh shit, excuse my

21 language I'm going backwards. Sorry. The last
22 month. April.

23 Q. (By Mr. Ko) Okay. So you testified in
24 the DC attorney action in April of 2022, correct?

09:51:27 25 A. Yes. Sorry. It looks like I'm having

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CONFIDENTIAL ROUGH DRAFT

09:51:30 1 morning fatigue.

2 MR. KO: No morning time does generally
3 fly these days so you were getting ahead of
4 yourself a little bit.

09:51:39 5 It's okay.

6 Q. (By Mr. Ko) So with respect to some of
7 these topics and as we discussed because these
8 topics relate to various policies and contracts
9 that were applicable to users and third parties, I

09:51:59 10 assume you have reviewed some of these policies and
11 contracts; is that fair to say?

12 A. Yes.

13 Q. And let be a little more specific.

14 Are you familiar with the statement of

09:52:14 15 rights and responsibilities or SRRs?

16 A. Yes.

17 Q. What are they?

18 A. It's not two separate things like the SRR

19 is abbreviate the statement of rights and

09:52:29 20 responsibilities and it is the terms of -- of

21 service for using Facebook.

22 Q. And throughout today I will -- I will be

23 using the acronym SRR and is it okay for purposes

24 of the deposition that as you note when I say SRR

09:52:51 25 when you say SRR we can assume that refers to the

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****CONFIDENTIAL ROUGH DRAFT****

09:52:55 1 statements of rights and responsibilities; is that

2 fair?

3 A. Yes, if you would like to refer to the

4 SRR that wasn't the name of it initially. But I'm

09:53:06 5 happy to know and agree that SRR means just terms

6 of service generally.

7 Q. And we'll get to the various iterations

8 and names in a moment.

9 But before we do that, let me ask you

09:53:18 10 about Facebook's data use policy. And I know it

11 had different names as well. But are you familiar

12 with the Facebook's data use policy?

13 A. I am.

14 Q. And what Facebook's -- what is -- what is

09:53:31 15 that?

16 A. Facebook data use policy which also been
17 referred to privacy policy it tells people what it
18 is that we collect and how they their information
19 can be used and its high level response there.

09:53:52 20 Q. And with respect to -- to back up a
21 little bit I apologize on the SRR. You had
22 indicated that it reflected the terms of service
23 for using Facebook. And so with would be terms of
24 service for the Facebook user I assume?

09:54:11 25 A. Yes, if you sign up for Facebook you

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****CONFIDENTIAL ROUGH DRAFT****

09:54:13 1 agree that you have read the data use policy and
2 you agree to terms of service.

3 Q. Now I assume you are also familiar with
4 Facebook's platform policy; is that correct?

09:54:32 5 A. Yes.

6 Q. What is that?

7 A. It's no longer referred as to the
8 Facebook's platform policies. We have platform
9 terms and developers policies and those are the
09:54:46 10 terms and policies that -- third -- developers use
11 of our platform technologies.

12 Q. And when did that name change occur or
13 when did that change occur?

14 MR. BLUME: Objection. Form.

09:55:04 15 THE DEPONENT: It was in -- we announced
16 the change in mid 2020 and the terms went into
17 effect in August 31st, of that same year.

18 Q. (By Mr. Ko) So up until the mid of 2020
19 Facebook had something called a platform policy; is
09:55:25 20 that correct?

21 A. Yes. We had the Facebook platform
22 policies sitting here today I know there's been --
23 another name like developer policies, but there --
24 they are the same documents in terms of what I
09:55:40 25 described the -- the document to be earlier.

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****CONFIDENTIAL ROUGH DRAFT****

09:55:43 1 MR. BLUME: And Mr. Ko I'm still here my
2 apologize I just mistakingly unplugged here I'm
3 setting here right here I'm getting back on online
4 no need to wait or you can if you like.

09:55:58 5 MR. KO: Got it. I appreciate that it
6 was a voice of God. I didn't see your face.

7 Q. (By Mr. Ko) Now with respect to the
8 platform policy can you describe at a high level

9 just as you did with respect to the SRR and the
09:56:14 10 data use policy what Facebook's platform policy
11 attempted to do?

12 A. Facebook's platform terms and developer
13 policies are -- our agreement with developers with
14 respect to how they will use the platform and
09:56:36 15 there's a number of -- it's -- it's the rules with
16 respect to using the technology to the extent the
17 developer chooses to use it. It's not always
18 relevant.

19 Q. And that policy in contract is between
09:56:54 20 Facebook and the -- the third party developer,
21 correct?

22 A. Yes, the developers when they create and
23 register as a developer on our platform, they agree
24 to adhere to the platform terms and -- and
09:57:07 25 developer policies.

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****CONFIDENTIAL ROUGH DRAFT****

09:57:11 1 Q. And was the Facebook user or was a
2 Facebook user a party to that policy or contract?

3 A. To the extent the Facebook who has agreed
4 to other terms of service chooses to register as a
09:57:27 5 developer than yes.

6 Q. So only if the user was a developer would
7 that policy apply, correct?

8 A. What do you mean by "apply"?

9 Q. Well, you answered the question -- let me
09:57:48 10 ask it this way.

11 As a general matter the Facebook platform
12 policy governed the relationship between a Facebook
13 developer and Facebook, correct?

14 A. That is our agreement with developers who
09:58:02 15 use our platform, yes.

16 Q. And it wasn't a contract that governed
17 Facebook's relationship with its users because
18 those were reflected in the SRR and DUPs, correct?

19 A. To the extent a user is also a developer,
09:58:25 20 they agree to the platform terms and developer
21 policies in connection with their use of the
22 platform.

23 Q. Outside of that carve out, Facebook users
24 interactions with the Facebook platform and on
09:58:47 25 Facebook were governed by the SRRs and DUPs,

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****CONFIDENTIAL ROUGH DRAFT****

09:58:54 1 correct?

2 MR. BLUME: Objection. Form.

3 THE DEPONENT: If a user does not use --
4 does not develop apps on our platform than they are
09:59:05 5 only subject to the terms that are relevant to
6 them.

7 Q. (By Mr. Ko) And those terms would be --
8 reflected in the SRR DUPs, correct.

9 A. If they use any of other -- other
09:59:21 10 products because there's other terms of -- there's
11 other terms of use depending on what you choose
12 like depending on your relationship with us, but
13 if -- if you just go and just sign up for Facebook
14 all you want to do is use Facebook, than the terms
09:59:37 15 of service and our data use policy would be the two
16 primary documents that you -- agree that you have
17 read and will adhere to.

18 Q. Thank you. Thank you.

19 And it's fair to say that the vast
09:59:51 20 majority of Facebook users would fall under that
21 umbrella, correct?

22 MR. BLUME: Objection. Form.

23 THE DEPONENT: Sitting here today, I -- I
24 don't -- I'm not -- I don't know the answer to
10:00:11 25 that.

****CONFIDENTIAL ROUGH DRAFT****

10:00:13 1 Q. (By Mr. Ko) Do you have general
2 understanding of how many users were also
3 developers on the Facebook relative to users that
4 did not develop on the Facebook platform?

10:00:29 5 A. That is not a data point that I know of
6 today.

7 Q. And separate and a part a specific or
8 precise data point, do you have any understanding
9 of the total number of users in the relevant time
10:00:49 10 period that used Facebook but did not also develop
11 on the platform, such that they were subject to the
12 platform policy and subsequent iterations of that
13 platform policy?

14 MR. BLUME: Objection. Objection just to
10:01:09 15 be clear what topic are we talking about Mr. Ko?

16 MR. KO: All of them.

17 MR. BLUME: That's beyond the scope.
18 Objection.

19 MR. KO: You can answer unless Mr. Blume
10:01:21 20 besides to instruct not to answer.

21 MR. BLUME: If you know, you can answer.

22 THE DEPONENT: I have already told Mr. Ko
23 that I don't know. I can continue to repeat
24 myself. I'm not prepared to speak to that. It's

10:01:33 25 not on the topic.

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****CONFIDENTIAL ROUGH DRAFT****

10:01:33 1 Q. (By Mr. Ko) That's fine. And I was just
2 trying to get -- to be fair, I was -- I was just
3 trying to get a general understanding I heard your
4 response saying you didn't have a specific data

10:01:43 5 point and I was just serious whether or not you
6 were aware because you seem to understand that
7 there was a distinction between users who developed
8 and users who do not. And so the natural follow up
9 was whether or not the, you knew, spoliation of the
10:01:59 10 former relative to the later and I heard I don't
11 remember response to say and you don't know and you
12 don't have any idea; is that correct?

13 A. I did.

14 MR. BLUME: Objection.

10:02:08 15 THE DEPONENT: I did not prepare to speak
16 to that today.

17 Q. (By Mr. Ko) I want to show because you
18 have indicated before somewhat confusing to a --
19 have -- I to walk through I want to make sure we on
10:02:30 20 the same page with responsive to these policies.

21 I'm going to share my screen this is not an exhibit

22 but this is just my understanding of these relevant
23 policies.

24 Do you see in front of you Ms. Hendrix?

10:02:54 25 MR. BLUME: Is this oh produced total.

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CONFIDENTIAL ROUGH DRAFT

10:02:55 1 MR. KO: No like I said this is something
2 that I indicated.

3 Q. (By Mr. Ko) Do you see this in front of
4 you Ms. Hendrix?

10:03:11 5 A. Yes, I can see what displaying on the
6 screen.

7 Q. Thank you.

8 Again this is just to help orient
9 ourselves and to help me understand what you are
10:03:18 10 here to testify about.

11 So with respect to the statement of
12 rights and responsibilities or the -- the SRR as
13 you described earlier there were various names that
14 were associated with the SRR; is that fair to say?

10:03:41 15 A. I'm only aware of terms of service and
16 statements of rights and responsibility.

17 Q. Okay. That's helpful so -- so the terms
18 of service I believe the terms of service is what

19 this is called now, correct?

10:03:57 20 MR. BLUME: Objection. Form.

21 THE DEPONENT: Yes, that's my

22 understanding.

23 Q. (By Mr. Ko) And it's my understanding?

24 A. And I'm going to ask you there's --

10:04:10 25 there's a lot documents and materials and so like

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****CONFIDENTIAL ROUGH DRAFT****

10:04:12 1 you -- I may need to refresh back to -- to them.

2 Because there a lot of information that I prepared.

3 But go ahead.

4 Q. Yeah. I understand there's a lot --

10:04:24 5 there's a lot to unpack in these topics, I agree.

6 So this is -- I'm not trying to put you on the spot

7 I'm trying to hopefully you will see I'm -- I'm

8 trying to help us because there so many names

9 flying around that I want to make sure you and I

10:04:40 10 are on the same page with these to these things.

11 So as you indicated the SRR was renamed

12 to the terms of service; is that correct?

13 A. Yes, I believe so.

14 Q. And do you have any understanding of when

10:05:03 15 the SRR was renamed to the terms of service?

16 A. I would have to look at the documents.

17 Q. Does it refresh your recollection at all

18 when I put here that in 2018 and precisely

19 April 19th, 2018, the SRR was renamed to the terms

10:05:25 20 of service?

21 A. I would rather rely on your document that

22 I have never seen until just now like I want to see

23 the actual documents and the dates that are on

24 them. So I am sorry, but like we can get the --

10:05:38 25 the terms and policies up and I can go through each

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****CONFIDENTIAL ROUGH DRAFT****

10:05:41 1 of the respected name change and the dates if

2 that's how you want to use the time today. But I'm

3 not going to rely on your document.

4 Q. Sure that's fair enough. So I'm going to

10:05:52 5 delete that for you because I have not trying to

6 present that this is the Bible or this is a cannon

7 that we have to all follow.

8 I was trying to helpful to both of us.

9 But you acknowledge that the SRR was at some point

10:06:05 10 changed to the terms of service, correct?

11 A. Yes.

12 Q. Okay. And you don't have a recollection

13 of when it actually changed names, right?

14 A. I would need to refresh. I know I -- I

10:06:23 15 know. I need that I need to go to the documents

16 I'm distracted seeing you guys typing and like

17 changing the text at -- live as we are sitting

18 here.

19 Q. Okay. Well, I'm -- I apologize

10:06:39 20 distracting you. But I'm trying to figure out from

21 you as the corporate designee who you acknowledge

22 before that you are here to testify as to these

23 policies. I'm curious whether or not you know when

24 it was renamed from the SRR to the terms of service

10:06:57 25 and your testimony is that you have don't know so

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****CONFIDENTIAL ROUGH DRAFT****

10:06:59 1 I'm just putting a question right here nor now?

2 MR. BLUME: Actually, objection that

3 wasn't her testimony. Her testimony was she wanted

4 to see the document and she would be able to do

10:07:08 5 that as opposed to to memory test.

6 MR. KO: Fair enough.

7 Q. (By Mr. Ko) Without looking at the

8 documents, you don't know when the name changed

9 from SRR to terms of service; is that correct?

10:07:19 10 A. I know that I know. I know that I don't
11 remember without referring to the dates.

12 Q. Got it.

13 And you said that you are only aware of
14 two names that this user terms of service had over
10:07:38 15 the relevant time period.

16 So the -- here I'm happy to get rid of
17 it, but it was my understanding that at some point
18 before the SRR it was identified as terms of use,
19 does that sound familiar to you?

10:07:53 20 A. I would like to ask my counsel if I can
21 have access to all of these documents and, again,
22 you are changing the text right here live in front
23 of me. And I think that is highly in appropriate
24 I'm not a lawyer for the company but I don't like
10:08:06 25 what you are doing. So I would like.

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****CONFIDENTIAL ROUGH DRAFT****

10:08:10 1 Q. Well --

2 A. I would like to see the documents before
3 you keep having me watch you change the text. Like
4 this is -- this seems highly in appropriate.

10:08:19 5 Q. Okay.

6 A. Well, I -- it's not. It's no different

7 than if I had on the stand and I was -- I was
8 creating or writing down on the screen things that
9 were reflective what I thought were reflective of
10:08:32 10 your testimony. But I understand that you are
11 uncomfortable with it and I don't want to make you
12 uncomfortable so I just -- I'm just trying to get
13 to understand what -- how these various policies
14 were called over the relevant time period. And
10:08:46 15 that was all that I was an attempt to do.

16 So let me start -- let me start over.

17 You -- it's your testimony that you are
18 aware of a contract that applied to Facebook users
19 and that this contract had two different names and
10:09:04 20 they were the statement of rights and
21 responsibilities and the terms of service; is that
22 correct?

23 A. That's my recollection is that we start
24 with the term of service it becomes a statement of
10:09:18 25 rights and responsibilities and then has

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****CONFIDENTIAL ROUGH DRAFT****

10:09:20 1 subsequently been renamed that's my understanding.
2 I would love the benefit of reviewing these
3 documents in as for as timing, but that's my

4 understanding.

10:09:36 5 Q. So for purposes of today when I refer to
6 the SRRs or the terms of service, they will be
7 synonymous and that isn't with your understanding
8 of these contracts and policies; is that fair?

9 MR. BLUME: Objection. Asked and
10:09:54 10 answered.

11 THE DEPONENT: Yes, we already agreed to
12 that.

13 Q. (By Mr. Ko) Okay. Now with respect to
14 the data use policy, you had indicated that there
10:10:08 15 were different names for that and some of the names
16 I have seen in the documents it referred to as or
17 simply the data policy; is that consist with your
18 understanding?

19 MR. BLUME: Objection. Form.

10:10:31 20 THE DEPONENT: I know we had privacy
21 policy data use policy we could have a title data
22 policy. I would need to refresh to the terms all
23 of which I'm confident we've produced to you that
24 are publicly available, so again like you -- you
10:10:49 25 have this information.

10:10:53 1 Q. (By Mr. Ko) Right.

2 I'm not asking whether or not we have it.

3 I'm asking for purposes of this deposition again

4 this is not I'm not trying to put on the spot. I'm

10:11:02 5 trying to understand what we are talking about here

6 so we speak the same language a lot of names and

7 acronym flying around.

8 With respect to Facebook's data use

9 policy you have indicated that it -- you have heard

10:11:16 10 of the data use policy also referred to as the data

11 policy and the privacy policy; is that correct?

12 A. I didn't say that. I said it was

13 possible. I would need to refresh the titles but I

14 think.

10:11:30 15 Q. So --

16 A. I know it was privacy policy I'm certain

17 it's also data use policy whether it has at some

18 point in time been called data policy I have

19 reviewed all of those like different versions but I

10:11:41 20 just don't remember sitting here today.

21 Q. So for purposes of this deposition today

22 in our confers when I refer to data use policy,

23 that would be cinnamon mouse with at least the

24 privacy policy and potential the data policy; is

10:12:02 25 that fair?

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****CONFIDENTIAL ROUGH DRAFT****

10:12:02 1 A. Yes.

2 Q. And with respect to the platform policy
3 you had indicated that it was also changed to the
4 platform teams and developer -- development teams

10:12:20 5 policy in mid 2020.

6 Do you recall that?

7 A. I didn't say.

8 MR. BLUME: Objection.

9 THE DEPONENT: Either are of those

10:12:26 10 things.

11 Q. (By Mr. Ko) Okay. I apologize for
12 putting words in your mouth. What is the -- your
13 relationship between the platform teams and
14 development teams policy and the Facebook platform

10:12:38 15 policy?

16 MR. BLUME: Objection. Form.

17 THE DEPONENT: Those aren't things.

18 Q. (By Mr. Ko) I'm sorry. I didn't get
19 that over your counsel's objections?

10:12:49 20 MR. BLUME: Just repeat your answer.

21 THE DEPONENT: Those aren't things.

22 Q. (By Mr. Ko) When you say "those" what

23 are you referring to?

24 A. You said platform teams developer teams I

10:13:01 25 never said those words today until just now.

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****CONFIDENTIAL ROUGH DRAFT****

10:13:03 1 Q. Okay. Earlier today when you had said
2 that there was change to the platform policy in mid
3 2020 what you were referring to?

4 A. In mid 2020 but more importantly
10:13:24 5 August 31st, 2020, the platform terms and developer
6 policies, which is what is -- what is live today,
7 so developers agree as of and effective
8 August 31st, 2020 they agree to adhered to the
9 platform terms and the developer policies.

10:13:51 10 Q. And today is there a thing that exist --
11 exist called the Facebook platform policy?

12 A. That term is no longer in effect. It is
13 the platform terms and developer policies.

14 Q. So the platform terms and the developer
10:14:13 15 policy have -- well, they as you said they govern
16 the relationship between Facebook and its
17 developers, correct?

18 A. Yes.

19 Q. And so is it fair for purposes of this

10:14:31 20 deposition is that when I refer to the platform
21 policy I'm also referring to the platform terms and
22 the development policy or would prefer that I keep
23 those things distinct?

24 A. If we refer to the platform policies I
10:14:47 25 will understand you to be meaning the platform

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****CONFIDENTIAL ROUGH DRAFT****

10:14:51 1 terms and developer policies.

2 Q. That were enacted in August 31st, of
3 2020, correct?

4 A. Yes.

10:15:00 5 MR. BLUME: Objection to -- objection to
6 how that relates to your earlier qualification that
7 your questions cover a time period dating back to
8 2007, so as long as you are clear -- you are clear
9 temporal clarity in your questions, that's fine.

10:15:20 10 Q. (By Mr. Ko) Schedule B turning back to
11 schedule B of the notice at Exhibit 330. The
12 schedule asks for a CV of the person Facebook
13 designates to testify on its behalf.

14 Do you see that in paragraph two?

10:15:44 15 A. I do.

16 Q. Do you have a CV to offer in response to

17 this request?

18 A. Not -- not on me right now.

19 Q. Do you have a copy of your CV I assume?

10:16:05 20 A. I have a resume on my machine at home,
21 yeah.

22 MR. KO: Counsel Blume consist with our
23 request on topic 1 we would ask that you would
24 provide us with a copy of Ms. Hendrix CV?

10:16:22 25 MR. BLUME: Noted.

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****CONFIDENTIAL ROUGH DRAFT****

10:16:23 1 Q. (By Mr. Ko) What is your current
2 position at Facebook?

3 A. I'm a director of privacy and data
4 policy.

10:16:31 5 Q. What are your general rules or what is
6 your -- what are your general responsibilities in
7 connection with that role?

8 A. My team is accountable for the developer
9 and management of all terms and policies governing
10:16:45 10 third party data collection and use as well as the
11 education and supporting the enforcement of the
12 platform terms and the developer policies.

13 Q. How long --

14 MR. BLUME: And Mr. Ko. --

10:17:02 15 MR. KO: Go ahead.

16 MR. BLUME: Sorry, we've gone about a
17 hour little bit of a transition period if you
18 finish come to a break shortly we can take one.

19 MR. KO: Sure.

10:17:15 20 Q. (By Mr. Ko) How long have you been in
21 that role?

22 A. I -- what do you mean?

23 Q. How long have you been the director of
24 the team accountable for the develop -- the
10:17:36 25 developers and men all terms covering third party

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****CONFIDENTIAL ROUGH DRAFT****

10:17:40 1 data collection and use as well as the education in
2 supporting -- supporting of the enforcement terms
3 and developer policies CHECK/CHECK?

4 A. I have always -- I have always been
10:17:57 5 involved in that work when I was promoted to
6 director, I believe it was sometime in 2019.

7 Q. And when you say you have always been
8 involved in that work I assume to mean that you
9 have been involved in this type of work ever since
10:18:16 10 you joined Facebook in I believe 2008?

11 A. Yes, I have always been involved in that
12 type of work since I joined the company.

13 Q. And is this -- is this called the
14 platform policy team at Facebook or there some
10:18:36 15 other name that you refer to your team as?

16 A. My team is referred as the data policy
17 management and enforcement team.

18 Q. Were there any prior iterations of that
19 team name?

10:18:53 20 MR. BLUME: Objection. Form.

21 THE DEPONENT: That -- ever since the
22 team has been created that has been our name.

23 Q. (By Mr. Ko) So since you join Facebook
24 in 2008, you have always been part of the data
10:19:11 25 policy management and enforcement team?

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****CONFIDENTIAL ROUGH DRAFT****

10:19:14 1 MR. BLUME: Objection. Form.

2 THE DEPONENT: No.

3 Q. (By Mr. Ko) When you joined Facebook
4 what team were you a part of?

10:19:26 5 A. I joined the developer operations team.

6 Q. How long were you part of the developer
7 operations team?

8 A. I moved out of the developer operations
9 team onto a called global policy management. I
10:19:51 10 believe that occurred in a round 2010 but I would
11 need to refer to documents to be certain but around
12 that time.

13 Q. And after you became part of the global
14 policy management team were there any other teams
10:20:10 15 that you were involved in or associated with before
16 you became part of the data policy management and
17 everyone team?

18 MR. BLUME: Objection. Compound.

19 THE DEPONENT: Could you repeat your
10:20:24 20 question?

21 Q. (By Mr. Ko) Yeah, I'm just trying to get
22 the understanding of the teams you were involved in
23 between your current role and the global policy
24 management team.

10:20:35 25 Can you describe or identify what those

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****CONFIDENTIAL ROUGH DRAFT****

10:20:36 1 teams were?

2 A. Developer operations is the name of the
3 team when I joined it. They changed the name to
4 platform operations and now it's back to developer

10:20:55 5 operations or at least that's how I refer to that
6 team and that's -- and that's it in terms of the
7 teams.

8 Q. And so the global policy management team
9 was that in connection with or under the same
10:21:12 10 umbrella as either of the developer operations or
11 platform operations teams?

12 A. Global policy management is a different
13 team than developer operations also referred to
14 previously as platform operations.

10:21:30 15 Q. Is fair to say the sum total of the teams
16 that you were involved with -- would be the
17 developer operations team, the platform operations
18 team and the global policy management team?

19 MR. BLUME: Objection. Form.

10:21:50 20 THE DEPONENT: Did you leave out the team
21 that I'm on today?

22 Q. (By Mr. Ko) You said were part of the
23 data policy management everyone team correct?

24 A. That's the team that I manage today.

10:22:03 25 Q. Is that related to in any way with the

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****CONFIDENTIAL ROUGH DRAFT****

10:22:06 1 developer operations team?

2 MR. BLUME: Objection. Form.

3 THE DEPONENT: It's not the same team.

4 Q. (By Mr. Ko) So thank you for

10:22:18 5 clarification. Sounds like are four teams that you

6 have been part of throughout your career at

7 Facebook, the data policy management everyone team,

8 the developer operations team, the platform

9 operations team and the global policy management

10:22:30 10 team; is that correct?

11 MR. BLUME: Objection.

12 THE DEPONENT: I think it's more.

13 MR. KO: What the objection Mr. Blume.

14 MR. BLUME: Are you talking about the

10:22:39 15 team name or the make up of the teams because the

16 personality of those teams may have changed the

17 names may not have but my guess is over the time

18 there have been a lot of different members of the

19 team it's like, you know, I wish we were still in

10:22:52 20 the '69 met but we are not unfortunately.

21 MR. KO: Right. Thank you for that. I'm

22 glad I asked I apologize if there's any confusion

23 I'm just talking about the team names I just want

24 to understand the some all the teams ever been a

10:23:09 25 part of Ms. Hendrix and the name by which those

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****CONFIDENTIAL ROUGH DRAFT****

10:23:13 1 teams were associated with.

2 So can you describe to the Court all the
3 team names that you have ever been involved with at
4 Facebook?

10:23:33 5 THE DEPONENT: I have been a part of
6 three organizations the first the name was
7 developer operations it became platform operations.
8 I don't know if it -- I don't remember if it became
9 DevOps before I switched over to global policy

10:23:47 10 management and then the third team is team I'm on
11 today the privacy and data policy is -- the
12 ultimate org by team is referred to as the data
13 policy management and enforcement team.

14 MR. KO: Okay. Great. Thank you. And

10:24:05 15 if you would like to take the break as your counsel
16 requested Ms. Hendrix I'm happy to do so.

17 THE DEPONENT: Sure.

18 THE VIDEOGRAPHER: Okay. We are off the
19 record. It's 10:24 a.m.

10:24:17 20 (Recess taken.)

21 THE VIDEOGRAPHER: Okay. We are back on
22 the record. It's 10:43 a.m.

23 Q. (By Mr. Ko) Welcome back from the break

24 Ms. Hendrix.

10:43:33 25 By the way you are in Palo Alto for this

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****CONFIDENTIAL ROUGH DRAFT****

10:43:35 1 deposition, correct?

2 A. Yes, I believe so. We on the border of
3 Los Altos but I'm just confident but I'm pretty
4 confident we are in Palo Alto.

10:43:47 5 Q. Where are you specifically you are in an
6 office are you at Facebook's office se in
7 Gibson Dunn offices?

8 A. I'm in the Gibson Dunn law office.

9 MR. BLUME: Can't you tell by our fancy
10:43:58 10 artwork.

11 MR. KO: Sorry I minimized your video.
12 So I couldn't tell.

13 (Discussion off the stenographic record.)

14 Q. (By Mr. Ko) And along with, I don't know
10:44:15 15 if that was a reference another deposition I took,
16 but the -- along with your counsel Mr. Blume, there
17 are other attorneys at Gibson Dunn present with
18 you, I assume?

19 A. Yes, at the -- at the outset of this we
10:44:33 20 said who they were.

21 MR. BLUME: Yeah, with -- with me -- with
22 me in the room is.

23 MR. KO: Go ahead.

24 MR. BLUME: I can show you if you want
10:44:48 25 now I lost my video so with me is -- is who is here

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****CONFIDENTIAL ROUGH DRAFT****

10:44:53 1 Prachi is here, Ian is here and Keller.

2 MR. KO: Ian Chen an employee of
3 Facebook.

4 MR. BLUME: Ian Chen, yes.

10:45:06 5 MR. KO: Anybody else in the room with
6 you?

7 A. No.

8 MR. BLUME: No. Here just so you can see
9 there is everybody?

10:45:16 10 MR. KO: I appreciate that.

11 Q. (By Mr. Ko) I want to ask some basic
12 questions about Facebook's organizational structure
13 this is related to topic 1.

14 First does Facebook have an
10:45:27 15 organizational structure?

16 A. Yes, Facebook has an organizational
17 structure.

18 Q. I assume they had add -- an

19 organizational structure since January 1 of 2007,

10:45:44 20 correct?

21 A. Yes.

22 Q. If I wanted to know if Facebook

23 organizational structure look like where would I

24 look?

10:46:03 25 A. You would go to what I believe it's

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****CONFIDENTIAL ROUGH DRAFT****

10:46:07 1 called like the org -- there's an org chart, like

2 you can look up a person and see what -- who they

3 report into.

4 Q. And this org chart that I assume has

10:46:21 5 existed ever since January 1 of 2007, correct?

6 A. Yes, we've always been able to look up as

7 far as -- as to the best of my knowledge we can

8 look each other up and so what team.

9 Q. And --

10:46:43 10 A. They are on.

11 Q. And when you say you can look each other

12 up. I assume you are talking about the some sort

13 of internal tool that a Facebook could access to do

14 that?

10:46:54 15 A. Yes, we have an internal company wiki
16 where you can type in a search bar someone's name
17 such as myself. And you can see who reports into
18 me and who I report into.

19 Q. And is that true with respect to every
10:47:12 20 employee at Facebook. In other words you if you
21 could be up at any employee at Facebook and find
22 out who that person to and what person's report to
23 him or her to the extent those things are
24 applicable?

10:47:29 25 A. For them and yes.

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****CONFIDENTIAL ROUGH DRAFT****

10:47:34 1 Q. And other than this internal tool that
2 one could access or excuse me the internal wiki are
3 there any other documents that you could point me
4 or the Court to that reflect Facebook's
10:47:46 5 organizational structure?

6 MR. BLUME: Pre IPO or post IPO.

7 MR. KO: I would like to start with the
8 entire time period first.

9 MR. BLUME: Well, okay. The -- they just
10:48:02 10 didn't have public filings before they became a
11 public.

12 MR. KO: Stop your object to my questions
13 and I will leave it at that.

14 MR. BLUME: Okay.

10:48:13 15 THE DEPONENT: I don't believe there's
16 been other documents like -- like what I just
17 referred to.

18 Q. (By Mr. Ko) Okay. So other than the --
19 this internal wiki is there any other documents or
10:48:28 20 information you -- you could point me or the Court
21 to -- to show what Facebook's organizational
22 structure looked like?

23 MR. BLUME: Objection.

24 THE DEPONENT: Not that I'm aware of.

10:48:50 25 Q. (By Mr. Ko) And when you said before

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****CONFIDENTIAL ROUGH DRAFT****

10:48:53 1 that you could go to this org chart, I just want to
2 make sure I understand. The org chart you are
3 talking about is synonymous with this internal wiki
4 tool and page, correct?

10:49:16 5 A. No, not synonymous mouse like there's a
6 company wiki which is internal to Facebook
7 employees and you can look up people by name and
8 then you can click on see org or something to that

9 effect and then the page will display the person in
10:49:39 10 the way that I described.

11 Q. Is that company wiki distinct from the
12 org chart that you had referred to before?

13 A. Think of the internal wiki as the name of
14 the place you can go and see internal documents and
10:50:10 15 find people so it's not the same thing but that's
16 where you go to find to look people up.

17 Q. Yeah, and I wasn't asking whether or not
18 it was anything. I asked had whether or not the
19 company wiki was distinct from the org chart that
10:50:29 20 you had referred to before.

21 A. I don't know what you mean.

22 Q. In response to a question that I had
23 asked of whether or not -- this was the question,
24 question if I wanted to know if Facebook -- what
10:50:47 25 Facebook's organizational -- organizational

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****CONFIDENTIAL ROUGH DRAFT****

10:50:49 1 structure looked like where would I like answer?

2 MR. BLUME: Objection.

3 Q. You would go to what I believe is called
4 like org there's an org chart like you can look up
10:50:59 5 a person and see what -- who they report into.

6 So I'm just asking a simple question

7 based on that question and answer exchange.

8 When you said org chart what were you

9 referring to were you referring to the company's

10:51:15 10 wiki or something else?

11 A. The company wiki is what I go to to find

12 out who a person reports into and the word org is

13 there and you click see org or something to that

14 effect and then you will see who reports to them to

10:51:41 15 the extent they are a manager and who they report

16 to and you do that within the company wiki.

17 Q. (By Mr. Ko) Thank you.

18 And other than this -- well, you had also

19 talked about this internal wiki containing internal

10:52:10 20 documents.

21 Do you recall that?

22 A. Yes.

23 Q. What internal documents are you referring

24 to?

10:52:26 25 A. So it could be -- a host of things so a

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****CONFIDENTIAL ROUGH DRAFT****

10:52:29 1 seem might create their own internal wiki page.

2 It's basically a place where -- where you can

3 create a page that's -- that you -- like the
4 company wiki is -- is can be used for like a place
10:52:52 5 where teams can share information with each other.
6 And it can be I believe locked down to just certain
7 people it could be publicly visible not to publicly
8 but internal employees could all be able to see the
9 content. It just depends.

10:53:16 10 Q. And would these internal documents
11 reflect a particular group's organizational
12 structure?

13 A. I'm not aware of like any ability to type
14 in the word developer operations for example and --
10:53:35 15 and see the chart. Like don't think of the chart
16 that way. It's literally you look up a human by
17 name, and then you can see what team they are on
18 and then you can see who reports into them.

19 But I'm not aware -- aware of anything
10:53:53 20 else.

21 Q. I see it's helpful so it's employee or
22 individual based in other words like you said you
23 type in Allison Hendrix and you can see every
24 person that Allison Hendrix and every person that
10:54:10 25 reports to you, correct?

****CONFIDENTIAL ROUGH DRAFT****

10:54:13 1 A. Yes.

2 Q. And you can also see what -- while you
3 can't type in DevOps or developer operations by
4 typing in Allison Hendrix you can see what group or
10:54:25 5 team you are a part of as well as the groups or
6 teams that report to you and -- and that you report
7 to; is that fair?

8 A. Yes, you can see you can't see the reporting
9 line. I believe the -- using my team as an
10:54:44 10 example. The data policy management and everyone
11 team, I -- I believe it would be up to if teams, if
12 it's -- because that's a team name within the
13 broader team. So I think you have the ability to
14 edit and get more granular with respect to the
10:55:02 15 specific name, if you are on it.

16 But other wise if you look me up it might
17 be on the privacy and data policy because I'm on
18 I'm a sub team within that team and I think -- I think
19 that the -- I think that although people might have
10:55:17 20 the ability to add that, I don't -- it's -- I
21 don't -- I'm not sure.

22 Q. When you say that "people might have the
23 ability to add that" are you referring to as adding
24 that as part of the search for hypothetically

10:55:39 25 Allison Hendrix or are you saying that's something

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****CONFIDENTIAL ROUGH DRAFT****

10:55:41 1 that IT or someone else at Facebook would have to
2 revise in order for that sub team or more granular
3 level of -- of information needed to be discovered?

4 A. You can look people up by individual

10:55:57 5 names and then when you find me there are -- able
6 sections like about me so I have the ability to go
7 to myself and the team wiki and if I can if I
8 choose to like edit certain sections of my profile.

9 Q. Got it. Understood.

10:56:21 10 Now it's fair to say that there are
11 groups or departments at Facebook, correct?

12 A. Yes.

13 Q. And you indicated that you are part of
14 DevOps or developer operations, correct?

10:56:43 15 A. I -- I joined the company when I
16 joined -- I joined the developer operations team.

17 Q. And there are of course individuals and
18 employees within your team, correct?

19 A. You cut off, could you say that again.

10:57:01 20 Q. Sure.

21 There -- there are of course individuals

22 and employees within each team, correct?

23 A. There are employees in each team and they
24 are individuals, yes.

10:57:20 25 Q. I want to show a list of teams that I'm

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****CONFIDENTIAL ROUGH DRAFT****

10:57:23 1 aware of and I want to ask you some questions based
2 upon that.

3 You will be pleased to know that this is
4 PDF and I can type anything to here, so hopefully
10:57:41 5 that won't be distracting to you.

6 But here is a list that I'm aware of that
7 reflects the various teams at Facebook and let me
8 read to you and into the record and, again, this is
9 just designed to help us facilitate this Q and A.

10:58:04 10 But the groups/departments that I'm aware
11 of are as follows management, legal, policy,
12 communications, platform and operations development
13 operations, advertising, security, privacy, human
14 resources, growth, sales and marketing, academic
10:58:28 15 research, engineering, and user research.

16 Do these all look like departments at
17 Facebook to you?

18 A. So sales and marketing are not on the

19 same team. Like and -- and this doesn't seem --
10:58:56 20 like -- like, you know, we have and HR team. We
21 have a legal team. There's many sub teams within
22 teams. We have product teams. Multiple product
23 teams. Multiple comps teams within comps. We have
24 platform -- we have marketing teams. We do have
10:59:22 25 partnership's teams I don't see we have -- like we

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****CONFIDENTIAL ROUGH DRAFT****

10:59:29 1 have -- we have a research team but there's also
2 other researchers embedded in team so the way that
3 you are structuring this is a bit inconsistent with
4 how we are structure and we -- we referred to each
10:59:42 5 other more as organizations. Like -- than
6 departments, but or at least I do.

7 Q. Yeah, super help from -- from point
8 forward I will do my best to refer to various
9 Facebook teams as organizations first of all. I
11:00:03 10 will not refer to them as departments and groups
11 pen what I'm hearing you say with respect to this
12 list is that it's incomplete; is that correct?

13 A. Yes, it appears to -- yes, it appear to
14 be incomplete like there's public policy teams.

11:00:34 15 Q. And I heard I just want to make sure I --

16 I get from you because you are the Facebook
17 designee on Facebook's organizational structure.

18 I want to make sure I'm not missing a
19 important or major or -- or or team for that

11:00:52 20 matter. Any organization that -- that you can
21 think of that is not listed here. I want you to
22 tell the Court what organizations they are.

23 A. Well, you don't have the Facebook
24 culinary team. And you don't have like and I don't

11:01:15 25 know what you mean by privacy. Like you don't have

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****CONFIDENTIAL ROUGH DRAFT****

11:01:17 1 the privacy and data policy org you just have the
2 word privacy. There's a privacy team that are co
3 chief privacy officer ****Michelle prad dispel one**
4 the other co privacy Jerry Egan that's who I role
11:01:35 5 up into.

6 So it's very difficult for me to do this
7 live. And -- and be able to tell the Court
8 accurately if I have, you know -- there's a choice
9 in competition team. And these are teams within
11:01:54 10 teams as well and so I just -- I am quite sure
11 sitting here now that I can express competence.
12 But had I, you know, the opportunity I could

13 better, you know, I just need to review some
14 documents.

11:02:16 15 Q. Well, you did review documents in
16 connection with the deposition and you are
17 Facebook's corporate designee as to organizational
18 structure so in light of that -- and you are right
19 this isn't meant to be a memory test I'm simply
11:02:29 20 asking it seemed like a rattled off several groups
21 that aren't listed here. I acknowledge that this
22 is -- is incomplete lie need you to helm me
23 complete it.

24 So can you identify the group -- the
11:02:45 25 organizations at Facebook, not the sub

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****CONFIDENTIAL ROUGH DRAFT****

11:02:49 1 organizations but the organizations at Facebook
2 that are missing from this list.

3 A. There's the finance and -- team, the
4 accounting team, the investor relation team.

11:03:07 5 There's the data -- there are data science teams.
6 There are teams that work on our data centers,
7 security teams. Well you have there.

8 Q. There's -- there's a security listed
9 here. Super helpful. Finance, accounting and

11:03:45 10 investor relations, data science.

11 Earlier when you say -- said Facebook

12 culinary did I hear that correctly?

13 A. Yes.

14 Q. Okay. I know you give a way a lot of

11:04:02 15 free food so that probably is billing team?

16 A. There's a facilities team. IT teams.

17 Q. Okay. And I want to go back to -- one of

18 your first responses and reactions to this list.

19 You had talked about multiple product

11:04:23 20 teams, right?

21 A. Yes.

22 Q. And obviously there's -- there are a lot

23 of product managers at Facebook working on a

24 variety of different products, correct?

11:04:37 25 A. Yes.

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****CONFIDENTIAL ROUGH DRAFT****

11:04:38 1 MR. BLUME: Objection. Beyond the scope.

2 Q. (By Mr. Ko) Do the product managers --

3 do the product managers role into a team on this

4 list or would they have a separate organizational

11:04:52 5 or would they have a separate organization for

6 themselves?

7 MR. BLUME: Objection. Beyond the scope.

8 THE DEPONENT: So you need to appreciate

9 that Meta has a family's of apps and services. So

11:05:11 10 there -- for example using legal there's product

11 counsel what's up for product counsel mention for

12 Facebook for Instagram. Et cetera so these teams

13 up is port different apps and services that we

14 provide.

11:05:31 15 So using the legal team, all of those

16 different people are on our legal team. Then --

17 I'm just trying to go from memory here, you know,

18 I -- this -- this is one of those ones might have

19 been user for you to be typing. Because I don't

11:06:00 20 remember everything I have rattled off.

21 But I -- I believe that I have given you

22 all of the names of teams that are relevant to the

23 topics that I'm -- I'm prepared to cover, so I

24 don't think I have omitted any teams that are not a

11:06:19 25 part of -- like -- like I -- like I definitely

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****CONFIDENTIAL ROUGH DRAFT****

11:06:24 1 think that I have given all of the names of the

2 teams that are relevant to the topics.

3 Q. (By Mr. Ko) Thank you. That's very

4 helpful and so my typing was not intended to be
11:06:38 5 nefarious whatsoever I'm trying to help us in this
6 testimony.

7 So maybe well maybe I type?

8 A. Well Mr. Ko I didn't know the video was
9 capturing the screen that was made me -- I thought
11:06:50 10 only one on video. So that was what made
11 uncomfortable just so we are clear. So I to the
12 extent that you can continue to engage in these
13 exercises I'm totally comfortable with you typing
14 so I apologize for the -- my confusion.

11:07:04 15 Q. Okay. Thank you for -- thank you for
16 that I appreciate that.

17 One organization that you had mentioned
18 too, that seems to be missing here that's a pretty
19 big one or the partnership teams, correct
11:07:20 20 partnership organizations, correct?

21 A. Yes and there's games teams too. Teams
22 that support games within partnerships though I
23 believe and yes that's right.

24 Q. Great.

11:07:40 25 So all of this is to day that this list

11:07:42 1 here that I'm showing you and that I read into the
2 record before is definitely incomplete as to the
3 total number of organizations at Facebook, right?

4 MR. BLUME: Objection. Beyond the scope.

11:08:01 5 THE DEPONENT: What I -- are
6 displaying -- is incomplete. I submitted it with
7 my testimony, I can't see what I said. But I do
8 think we have captured primarily the high level
9 organization -- structure of Meta, yeah.

11:08:26 10 Q. (By Mr. Ko) Great. Thank you for that.

11 Now what organizations were responsible
12 for or otherwise worked on any aspect of developer
13 access to the Facebook platform?

14 A. This would be -- and, again, this is

11:08:56 15 assuming this is for the entire period, relevant
16 period?

17 Q. Correct.

18 A. Okay. So --

19 MR. BLUME: Hang on -- hang on one

11:09:07 20 second.

21 THE DEPONENT: Okay. Sorry.

22 MR. BLUME: I'm just looking at -- at the
23 notice what topic is this?

24 MR. KO: Topic 1 Mr. Blume.

11:09:16 25 MR. BLUME: Well, how is it related.

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CONFIDENTIAL ROUGH DRAFT

11:09:18 1 MR. KO: The organizational structure.

2 MR. BLUME: As that relates to 1A, B and
3 C which of 1ABC and is relating.

4 MR. KO: It's really referring to all I
11:09:28 5 will try to helpful it tell you it's 1B in
6 particular.

7 MR. BLUME: Okay. Thank you.

8 THE DEPONENT: And can I be remind of
9 what 1B is I don't have the document in front of
11:09:43 10 in.

11 Q. (By Mr. Ko) It's pretty long let me
12 fogies?

13 MR. BLUME: Can I show --

14 MR. KO: It is helpful. Yeah, you can
11:09:50 15 show it to you but while you show it to her really
16 the processes for drafting the various policies
17 that were in place with respect to both users and
18 developers.

19 THE DEPONENT: Going back to the prior
11:10:12 20 question I did forget about the strategic response
21 team and so now what teams would be working on what
22 I just read in -- in the -- at Facebook's we are a

23 team of teams and you -- we -- we largely involve
24 nearly all parts of the org, you know, not the
11:10:34 25 culinary team for an example on -- on these kind of

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****CONFIDENTIAL ROUGH DRAFT****

11:10:38 1 topics. But it would be legal and privacy org and
2 privacy and data policy org, public policy, comps,
3 marketing, product, eng, is I think I said comps.
4 Partnerships, can be involved.

11:11:05 5 Q. (By Mr. Ko) How about the platform and
6 platform and development -- developer operations
7 team?

8 A. Developer operations would be involved as
9 well it all depends on the nature and scope of this
11:11:22 10 specific topic within the topics on listed in 2B.

11 Q. Got it.

12 Several organizations at Facebook were
13 responsible for otherwise worked on aspects of
14 developer access to the Facebook platform; is that
11:11:42 15 fair to say?

16 A. Yes, I mean going back to the earlier
17 example it really needs to be granular so for
18 example developer operations wouldn't work closely
19 on the update to the SRR.

11:12:03 20 Q. Well, and that's -- that's a good segue
21 into my next question which is -- which is which --
22 which organizations at Facebook were responsible
23 for drafting and enforcing the policies applicable
24 to use of the Facebook platform I by developers?

11:12:28 25 A. Drafting and enforcing are two different

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****CONFIDENTIAL ROUGH DRAFT****

11:12:31 1 things. So in regards to drafting like the
2 statement of rights and responsibilities that is
3 largely, that is a legal difference, but with input
4 from, again -- multiple policy oranges the -- the
11:12:48 5 comms team, marketing teams and then in regards to
6 the everyone that again is -- my team, legal,
7 developer operations, external data use and there's
8 an eCrime team. I forgot to mention the -- I
9 believe it's referred to now as the content policy
11:13:23 10 team. I forgot to mentioned that earlier that was
11 rebranded from the global policy management team
12 that I referred to earlier so same team different
13 name.

14 Many teams get pulled in for both
11:13:40 15 drafting and then in -- drafting of terms and
16 policies and then depending on the enforcement

17 aspect of it, we collaborate on enforcement

18 approach with multiple teams as well.

19 Q. And I appreciate that distinguishing the

11:14:07 20 difference between drafting and enforcing. So

21 let's unpack that and let's just focus on the

22 drafting to start with.

23 You've testified as to who was part of

24 the drafting of the SRRs can you also describe to

11:14:23 25 the Court what organizations were responsible for

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****CONFIDENTIAL ROUGH DRAFT****

11:14:26 1 drafting the data use policies?

2 A. It would be the same response with

3 respect to the drafting of the SRR for the data --

4 for the data use policy. The same teams would be

11:14:46 5 pulled in.

6 Q. How about with respect to the platform

7 policies?

8 A. The same response.

9 Q. Who -- okay.

11:15:00 10 And with respect to the drafting of the

11 SRRs. DUPs and platform policies, who would you

12 say of the -- of the organizations that you have

13 described, who you say had primary responsibility

14 for drafting these policies?

11:15:20 15 MR. BLUME: Objection. Time frame.

16 THE DEPONENT: Legal has the primarily

17 responsible of drafting all three of those but

18 there is a period of time where -- where the

19 platform policies are managed by myself, the team

11:15:46 20 I'm on I'm the global policy management team. But

21 as I said earlier we -- we don't do things in a

22 vacuum, but I -- I was the person who drove the

23 development and updates to the platform policies.

24 And now oops -- I think that's -- I think that's

11:16:10 25 all I have -- I am so sorry.

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****CONFIDENTIAL ROUGH DRAFT****

11:16:12 1 Q. (By Mr. Ko) And when you say that there
2 were updates made to the platform policy in
3 particular what are you referring to?

4 A. Well, there's been multiple versions of
11:16:32 5 what you and I earlier agreed we are just going to
6 call them platform policies now present date
7 platform terms and developer policies but there's
8 multiple changes over the years based on a number
9 of factors.

11:16:47 10 Q. So the global policy management team for

11 which you are currently or were involved in they
12 were responsible for and had primary responsibility
13 with respect to the drafting of these platform
14 policies and updates there to; is that fair to say?

11:17:09 15 MR. BLUME: Objection.

16 THE DEPONENT: It all depends on what
17 time period. But from -- so in the context of the
18 platform terms and developer policies that we
19 launched, that was very like co driven with legal
11:17:32 20 and -- and my team working pretty much side by
21 side. But, again, with input and feedback from all
22 of the respected teams that I outlined before.

23 Q. (By Mr. Ko) Great.

24 And with respect to the SRRs and DUPs and
11:17:54 25 all iterations there to what other organizations

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****CONFIDENTIAL ROUGH DRAFT****

11:18:04 1 other than legal have primarily responsible for
2 drafting and revising and updating those respected
3 policies?

4 MR. BLUME: Objection. Form.

11:18:17 5 THE DEPONENT: Legal has always and
6 continues today to be the manager of those performs
7 and -- and policy.

8 Q. (By Mr. Ko) Are there any other?

9 A. With significant input from other teams

11:18:31 10 but they -- they -- they are the -- they hold the
11 pen.

12 Q. From the teams that you had described
13 before, and organizations are there any that you
14 can identify that had primary responsibility or co
11:18:51 15 responsibility with the drafting of these similar
16 to how the global management team had co
17 responsibility with legal as to the platform
18 policies?

19 MR. BLUME: Objection. Form.

11:19:03 20 THE DEPONENT: I just realized I forgot
21 to reference to the content strategy team.

22 So having corrected myself there now I
23 apologize Mr. Ko could you repeat your question.

24 Q. (By Mr. Ko) Sure.

11:19:20 25 And so this -- this team that you had

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****CONFIDENTIAL ROUGH DRAFT****

11:19:23 1 recalled this content strategy team they were or
2 had primarily responsibility along with the global
3 management team to help update the platform
4 policies with legal; is that correct?

11:19:38 5 MR. BLUME: Objection.

6 THE DEPONENT: I -- I am only comfortable
7 saying that the legal team has the primary
8 responsible for the terms and service also known as
9 the SRR and the data use policy also referred to as
11:19:51 10 the privacy policy. But the next largest
11 contributor being the -- Aaron Egan's privacy and
12 data policy team again many people have -- proposed
13 revisions but those two teams legal being primarily
14 accountable but working most closely with Aaron
11:20:15 15 Egan's org over the years but, again, everyone has
16 a chance to review and and provide feedback and
17 input.

18 Q. (By Mr. Ko) And with respect to the
19 privacy and data policy team that Aaron Egan was in
11:20:34 20 charge of at least for some period of time. Are
21 you saying that they were the next largest
22 contributors to legal with respect to just the SRRs
23 and data use policy or are you saying with respect
24 to all the policies that we have been talking about
11:20:55 25 including the Facebook platform policy?

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****CONFIDENTIAL ROUGH DRAFT****

11:20:59 1 A. So Aaron Egan's team of which I'm now on,

2 primarily would play a role in the data use policy
3 updates. Again legal holding the pen, but -- but
4 Aaron Egan's org the policy and data policy team
11:21:23 5 would be providing input and feedback and seeking,
6 you know, feedback on -- on data policy update
7 dates and the research team has been involved as
8 well.

9 Q. How about with respect to the SRRs who --
11:21:47 10 who would you say or what organization would you
11 say is the next largest contributor to the SRRs
12 outside of legal?

13 A. I would say that both -- content policy
14 global policy management team they and Joel
11:22:17 15 Kaplan's which Aaron reports into Joel that they
16 would be the primary people. But legal largely
17 drives terms the -- the terms of service updates.
18 But they do seek input. Again because nothing here
19 is done in a vacuum.

11:22:39 20 Q. What was the organization that Joel
21 Kaplan class part of?

22 A. Well, Joel is still at the company. He
23 has -- his teams -- so Aaron reports into Joel. So
24 Joel is public policy and privacy and data policy
11:23:08 25 oranges I am trying to think who else. I might

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****CONFIDENTIAL ROUGH DRAFT****

11:23:10 1 have to refresh my memory.

2 Q. But primarily Joel leads the team that
3 manage our public policy privacy and data policy
4 teams.

11:23:28 5 Q. So was Monika content and Joel's cap
6 Lance public policy and privacy team that were the
7 next largest contributors other than to legal to
8 the SRRs?

9 A. Monika reports.

11:23:42 10 Q. Is that?

11 A. Monika Bickert into Joel Kaplan.

12 Q. Okay. So other than legal, I just want
13 to make sure I'm crystal clear other than legal the
14 next largest contributor to the SRRs is the public

11:24:10 15 policy and privacy organization; is that accurate?

16 A. I think it's more accurate to say other
17 than legal Joel Kaplan's org teams that I just out
18 lined are the -- are given a chance to preview and
19 provide feedback. Along with other teams, but

11:24:31 20 they -- the teams that report into Joel would have
21 an opportunity to review and provide input on
22 updates.

23 Q. And Joel's team and organization selected

24 public policy and privacy data teams; is correct?

11:24:49 25 Check.

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****CONFIDENTIAL ROUGH DRAFT****

11:24:50 1 A. And content policy team that has also
2 been and sometimes is still currently referred as
3 the global policy management team of those org
4 primarily Aaron Monika I wouldn't say that more had
11:25:06 5 more input over the other they both an opportunity
6 to provide input. But legal largely drives updates
7 to the terms of service.

8 Q. Facebook has as you indicated before a
9 finance team or organization, correct?

11:25:30 10 A. Yes there's a finance team at Facebook.

11 Q. And they also -- Facebook also an account
12 team organization, correct?

13 A. Yes the finance and there's finance and
14 accounting teams.

11:25:46 15 Q. And did the Facebook finance and -- and
16 accounting organizations exist prior to Facebook's
17 IPO in 2012?

18 MR. BLUME: Objection.

19 THE DEPONENT: So we -- we definitely had
11:26:08 20 finance and accounting teams, yes prior to the IPO.

21 Q. (By Mr. Ko) Fair to say that Facebook
22 had a finance and accounting team for the entire
23 time period that it was in existence or has been in
24 existence?

11:26:31 25 A. We are just talking about during the

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CONFIDENTIAL ROUGH DRAFT

11:26:34 1 relevant period right. You are talking about when
2 Facebook was first created.

3 Q. Fair enough. Yes from January 1st, 2007
4 to present has it always been the case that

11:26:44 5 Facebook has had had a finance and accounting team?

6 MR. BLUME: Objection. Compound.

7 THE DEPONENT: It's fair to say that to
8 that there's always been -- to the extent it
9 became -- it becomes relevant a team that -- that

11:27:01 10 works on finance and accounting.

11 Q. (By Mr. Ko) Approximately how many
12 individuals have been on the finance team over the
13 relevant time period?

14 MR. BLUME: In total?

11:27:21 15 Q. (By Mr. Ko) Do you understand the
16 question?

17 A. Yes, but I -- I don't know the -- I don't

18 know the answer to -- from 2007 to 2022 that number
19 obviously has changed and grown but I don't know
11:27:41 20 the specifics sitting here today.

21 Q. Can you give the Court a general
22 understanding of the number of employees that were
23 in the finance team throughout the relevant time
24 period and not in total but just an estimate as to
11:27:58 25 year over year, about how many individuals were on

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****CONFIDENTIAL ROUGH DRAFT****

11:28:01 1 that team?

2 MR. BLUME: Objection. Form.

3 THE DEPONENT: I.

4 MR. BLUME: Don't guess.

11:28:08 5 THE DEPONENT: Yeah, I can. I don't
6 know.

7 Q. (By Mr. Ko) Ms. Hendrix in topic 11 of
8 the aspects of topic 1 that you have agreed to
9 testify as to are the employees in each department
11:28:23 10 as they relate to some of the sub topics in topic
11 1.

12 So let me try it again.

13 Do you have any understanding of the
14 number of employees in the finance team over the

11:28:34 15 relevant time period?

16 MR. BLUME: Objection. Beyond the scope.

17 THE DEPONENT: No, I.

18 Q. (By Mr. Ko) I was?

19 A. I don't know I know the finance and

11:28:47 20 accounting teams are accountable for valuations of

21 the company. But I don't know and I know I could

22 provide you with some names of those senior most

23 accountable people. Dave Wehner, you know, being

24 privacy officer or chief finance officer. But I

11:29:04 25 don't know -- I can't give you numbers of how many

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****CONFIDENTIAL ROUGH DRAFT****

11:29:09 1 employees have come and gone from 2007 to 2022 but

2 I'm prepared to speak on what those teams do.

3 Q. Do you have a general understanding of

4 how many employees are currently in -- on the

11:29:24 5 finance team under Dave Wehner?

6 MR. BLUME: Objection. Beyond the scope.

7 MR. KO: Let me just make sure and

8 respond to that objection on the record the topic

9 is clear is asking for the employees in each

11:29:37 10 department and so one could easily and logically

11 conclude that topic would relate to the amount and

12 number of employees in.

13 MR. BLUME: As.

14 MR. KO: So.

11:29:49 15 MR. BLUME: As -- as the number and
16 amount of those employees relate to the
17 calculations of revenues gross profits net profits
18 goodwill Ime paraments an assets recognize mice had
19 by Facebook relate to users data or information
11:30:01 20 including not are you limited Facebook's public
21 reporting.

22 There are many in the finance
23 organization has nothing to do with user data and
24 information.

11:30:11 25 And so requesting the numbers of those

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****CONFIDENTIAL ROUGH DRAFT****

11:30:12 1 people is beyond the scope of one sub topic A.

2 MR. KO: I had a question. Let me just
3 ask the question.

4 Q. (By Mr. Ko) Again. Do you have an
11:30:26 5 understanding of how many employees are currently
6 under the finance team on the financial team under
7 Dave Wehner?

8 MR. BLUME: Objection. Same objection.

9 THE DEPONENT: As you sit here today, I
11:30:46 10 know I can give that information in terms of how
11 many people report into him, but I didn't interpret
12 the topic to require me to show up with numbers.
13 But more to be prepared to speak to those sub
14 topics.

11:31:04 15 Q. (By Mr. Ko) So I just wanted to make
16 sure the record is clear.

17 Do you have an understanding as to how
18 many employees were on either the finance or
19 accounting teams at any point in time during the
11:31:18 20 relevant time period?

21 MR. BLUME: Objection. Beyond the scope.

22 THE DEPONENT: I could find out how many
23 are on the teams today but I don't know the numbers
24 from January 1, 2007 up until present.

11:31:40 25 Q. (By Mr. Ko) That's hell fingerprint full

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****CONFIDENTIAL ROUGH DRAFT****

11:31:42 1 you could -- if you want one could find out that
2 information right, that's not hard to get, correct?

3 A. I -- I think it might take sometime
4 because you have to click on, you know, look up
11:31:57 5 Dave Wehner's name and see who reports to him keep

6 clicking to find all the way down the chain. But I
7 didn't do that.

8 Q. And I'm not asking you what you did. You
9 made that clear in how you interpreted this.

11:32:14 10 I'm -- I'm just simply asking you if one wanted to
11 find out how many individuals were on the finance
12 and accounting organizations or any organization
13 for that matter throughout the relevant time period
14 that is information one could obtain, correct?

11:32:32 15 MR. BLUME: Objection. Beyond the scope.

16 THE DEPONENT: I don't know if we have
17 retained any type of records as the teams have
18 grown and change had over the years. So I -- I
19 don't know if we could produce that.

11:32:55 20 Q. (By Mr. Ko) You did produce it presently
21 at least, correct?

22 MR. BLUME: Objection. Beyond the scope.

23 THE DEPONENT: I could.

24 MR. BLUME: No.

11:33:07 25 THE DEPONENT: I won't --

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****CONFIDENTIAL ROUGH DRAFT****

11:33:08 1 Q. (By Mr. Ko) You didn't get an
2 instruction that you --

3 MR. BLUME: You are --

4 MR. KO: I have question.

11:33:13 5 MR. BLUME: You are asking.

6 MR. KO: I'm using.

7 MR. BLUME: --

8 MR. KO: Remember how earlier unless

9 Mr. Blume clearly instructs you not to answer the
11:33:28 10 question I would request that you answer my

11 question nonetheless that's the way this -- this
12 goes.

13 So you could produce the information as
14 to how many employees were part of a particular
11:33:48 15 Facebook organization and you could find that out
16 presently if you wanted to, right.

17 MR. BLUME: Okay. Different that's a
18 different question, no objection to that question.

19 THE DEPONENT: Your question doesn't make
11:34:04 20 sense to me. You said were and then present. So
21 are you talking past. Are you talking present. I
22 think you need to be a little more clear.

23 Q. (By Mr. Ko) Fair enough. Sorry for the
24 confusion I agree.

11:34:18 25 To the extent you wanted to find out the

****CONFIDENTIAL ROUGH DRAFT****

11:34:21 1 number of employees within a particular
2 organization at Facebook, you could find that out,
3 correct?

4 A. I have the ability to go to Dave Wehner's
11:34:42 5 Facebook wiki profile click on that org button and
6 do tons of other clicks because I see who reports
7 and who reports to them and so and so and so on and
8 then ultimately have a number. So that that is
9 number that I -- that I could find out.

11:35:02 10 Q. And that would be true for any
11 organization at Facebook, correct?

12 MR. BLUME: Objection. Calls for
13 speculation.

14 THE DEPONENT: It is technically possible
11:35:13 15 to find a human and count the amount of humans that
16 report into that human.

17 Q. (By Mr. Ko) Turn to topic 1A of the
18 notice.

19 Do you see the items listed there?

11:35:31 20 A. May -- may -- may Rob pass me this.
21 Okay.

22 Q. Yeah, absolutely and just so for your
23 benefit, I would ask that just have the notice
24 handy throughout this deposition. You could have

11:35:45 25 that in front of you because obviously referring to

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CONFIDENTIAL ROUGH DRAFT

11:35:49 1 you a lot?

2 A. I mean it's just handy I'm trying to
3 follow the rules so the extent you refer to it.

4 I -- I will it's right here. I just didn't know if

11:35:58 5 I was allowed to ask for it.

6 Okay.

7 A. I see 1A, yes.

8 Q. Do you see the items listed there?

9 A. Yes.

11:36:13 10 Q. What employees or organizations as

11 Facebook were responsible for the items listed in

12 1A?

13 A. Finance and being for the team account
14 able for valuation for the company.

11:36:33 15 Q. In addition to valuation are they also
16 responsible for the calculation of reference gross
17 profits -- and good payments and payment and assess
18 ex recognized by Facebook relating to its users?

19 MR. BLUME: I'm sorry to users data and

11:36:52 20 information not the users.

21 Q. (By Mr. Ko) Sure. You can answer it

22 that way?

23 A. Well reporting of revenue is handled by

24 across functional team, which includes finance and

11:37:08 25 legal and investor relations and corporate

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CONFIDENTIAL ROUGH DRAFT

11:37:11 1 communications. So for the reporting aspect those

2 are the teams but just for valuations which I'm --

3 I'm just going that with generally to talk about

4 the calculation of these things if you prefer you

11:37:27 5 don't know do so I can hammer off word all -- all

6 of the calculation of -- of revenues is done by

7 financial and accounting. The reporting is done by

8 those additional teams I named.

9 Q. Thank you.

11:37:40 10 That's helpfully yes we can refer to

11 these items as valuation thank you for that

12 clarification.

13 So this other cross functional team

14 what -- what was this specific cross functional

11:37:56 15 team that did the reporting of the revenues?

16 A. Well, it's finance legal investor

17 relations but corporate but going to 1A there's no

18 monetization like no user data monetization

19 calculation. I don't know if I should make that
11:38:13 20 clear. But just the team that like calculates our
21 revenues is finance and accounting, but there's
22 nothing pertaining to -- of user data that's tied
23 to that.

24 Q. And when you say there's -- there's no
11:38:29 25 monetization calculation or user data monetization

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****CONFIDENTIAL ROUGH DRAFT****

11:38:32 1 calculation win the topic, what -- what did you
2 mean by that?

3 A. We don't put a number on -- on a price
4 on -- on users data. 98 percent of our revenues
11:38:45 5 are through ads.

6 Q. It's gotten even higher in recent years?

7 MR. BLUME: Objection.

8 Q. (By Mr. Ko) With respect to let's unpack
9 your statement about not putting a number on a
11:39:07 10 particular user. Is it your testimony that
11 Facebook neither directly nor indirectly places a
12 number on Facebook's users data information?

13 A. We.

14 MR. BLUME: Objection. Form.

11:39:22 15 THE DEPONENT: We -- we have never done

16 that. We don't -- we don't do that at all.

17 Q. (By Mr. Ko) So it's your testimony that

18 you do not place any indirect value or

19 quantification on a particular's users data or

11:39:39 20 information.

21 Do I understand your testimony correctly?

22 MR. BLUME: Objection. Form.

23 THE DEPONENT: I don't quite understand

24 what you mean. But in -- in regards to like

11:39:49 25 revenue, a person's data is not a factor in how

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****CONFIDENTIAL ROUGH DRAFT****

11:39:54 1 we -- in how we make money.

2 Q. (By Mr. Ko) Well, you don't?

3 A. It's based.

4 Q. Report?

11:40:03 5 A. 98 percent ads.

6 Q. Don't Facebook's public publicly

7 available financial accounting including their

8 10-Ks report as a key metrics of the company

9 average revenue per user?

11:40:17 10 MR. BLUME: Objection. Beyond the scope.

11 Not your topic.

12 MR. KO: I note for the record I highly

13 disagree but go ahead and answer that question.

14 MR. BLUME: It's covered by topic ten

11:40:28 15 David so the monetization she's here to talk about

16 the organizational structure involved in the

17 calculation not the calculation itself that's topic

18 ten, so that's my objection and there's no reason

19 for her to speculate on that.

11:40:46 20 MR. KO: Noted I will ask the question

21 again.

22 Q. (By Mr. Ko) Doesn't Facebook's publicly

23 available financial documents including their 10-Ks

24 report ASCII metrics to the company average revenue

11:40:59 25 per user?

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****CONFIDENTIAL ROUGH DRAFT****

11:41:01 1 MR. BLUME: Object instruct not to ants

2 in the capacity of your 30(b)(6) if you know

3 individually you can answer but not as a 30(b)(6)

4 witness to regard to that topic.

11:41:10 5 THE DEPONENT: I don't know. I know we

6 calculate a revenue by Facebook user geographic

7 based on or the estimate of the geographic in which

8 ad impressions are delivered virtual and digital

9 goods are purchased or consumer hardware devices

11:41:23 10 are shipped.

11 Q. (By Mr. Ko) Average revenue per user an
12 important metrics for purposes of calculating
13 revenues?

14 MR. BLUME: Objection. Instruct you not
11:41:35 15 to answer in your role as a 30(b)(6) witness beyond
16 the scope if you know in your personal capacity I
17 guess you answer in that capacity although you
18 have.

19 Hendrix in your personal capacity coming
11:41:50 20 up, so...?

21 THE DEPONENT: I don't remember his
22 question.

23 Q. (By Mr. Ko) Is average revenue per user
24 an important metrics for purposes of calculating
11:42:00 25 revenue?

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****CONFIDENTIAL ROUGH DRAFT****

11:42:00 1 MR. BLUME: Observation. Beyond the
2 scope. Please don't answer in regard to your
3 30(b)(6) capacity.

4 THE DEPONENT: I have already said we
11:42:11 5 don't calculate revenue by users like we -- we
6 don't have that so, so I don't.

7 Q. (By Mr. Ko) ARPU an acronym that sounds
8 familiar to you?

9 A. No.

11:42:31 10 Q. You never heard of ARPU?

11 MR. BLUME: Objection. Her personally or
12 her as a corporate representative.

13 MR. KO: I will ask both but, you know,
14 definitely in your corporate capacity.

11:42:46 15 MR. BLUME: It's beyond the scope of the
16 corporate designation in topic 1 so I instruct you
17 not to speculate or guess.

18 THE DEPONENT: I don't -- I don't know.

19 Q. (By Mr. Ko) So as I just make sure the
11:42:58 20 record is clear.

21 As a corporate designee of Facebook who
22 consented to testifying on behalf of the
23 corporation as to the organizational structure
24 including the calculation of revenues your answer
11:43:13 25 is that you don't know and have never heard of the

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****CONFIDENTIAL ROUGH DRAFT****

11:43:16 1 acronym ARPU; is that correct?

2 MR. BLUME: Objection to your
3 recharacterization of topic 1 the organizational

4 structure related to the calculation of revenue.

11:43:26 5 Not terms involved in the calculation of revenue
6 beyond the scope. You have a witness to topic ten
7 that is upcoming you are free to ask those
8 questions so I instruct not to answer to the extent
9 it's beyond the scope of topic 1.

11:43:45 10 MR. KO: Yes-or-no question Ms. Hendrix.

11 MR. BLUME: Instruct not to.

12 MR. KO: Corporate.

13 MR. BLUME: You.

14 MR. BLUME: Instruct.

11:43:52 15 MR. KO: Spoking your.

16 MR. BLUME: I'm instructing her not to
17 answer that's my that's my objection.

18 SPECIAL MASTER GARRIE: Noted for the
19 record please move forward.

11:44:03 20 MR. KO: Objection is noted for the
21 record Mr. Counsel co please ask the question
22 again.

23 Q. (By Mr. Ko) Please ask the question
24 again?

11:44:16 25 SPECIAL MASTER GARRIE: Did she answer

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CONFIDENTIAL ROUGH DRAFT

11:44:17 1 the question.

2 MR. KO: No she did not that's why
3 keeping asking that's why I many a little confused.

4 SPECIAL MASTER GARRIE: So we noted the
11:44:24 5 objection Ms. Hendrix could you please answer the
6 question given the advice you rived from your
7 counsel.

8 MR. BLUME: You know in your personal
9 capacity you can answer.

11:44:34 10 THE DEPONENT: I don't know that acronym.

11 Q. (By Mr. Ko) Do you know the acronym MAU?

12 A. Yes.

13 Q. What does that refer to?

14 A. Monthly active users.

11:44:48 15 Q. Have you heard of the acronym DAU?

16 A. Yes.

17 Q. What does that refer to?

18 A. Daily active users.

19 Q. You never heard of ARPU or average
11:45:04 20 revenue per user; is that correct?

21 MR. BLUME: Objection. Asked and
22 answered. in her personally capacity.

23 THE DEPONENT: It's still correct that I
24 don't know that acronym.

11:45:30 25 Q. (By Mr. Ko) Now turning back to the SRRs



****CONFIDENTIAL ROUGH DRAFT****

11:45:33 1 and DUPs. Are those -- is it fair to say that the
2 SRRs and DUPs are how Facebook discloses to users
3 how Facebook uses the data information Facebook
4 collects about them?

11:45:56 5 A. So you are referring to them as -- in the
6 plural, so there's only an SRR and a DUP. So I
7 don't know what else you are referring to when you
8 say SRRs and DUPs.

9 Q. Okay. I was referring to them plurally
11:46:12 10 because that's fair and let's back up a little bit.

11 There were various iterations of both the
12 SRRs and the DUP, correct?

13 A. Yes.

14 Q. And so when I'm referring to them in the
11:46:26 15 plural I'm talking about all the various versions
16 and iterations of the SRR and the DUP. So
17 hopefully with that clarification my question could
18 potential be more clear. I'm happy to try and
19 rephrase but let me try again.

11:46:46 20 Would you agree with me, that the SRRs
21 and the DUPs govern how Facebook uses the data and
22 information Facebook collects from and about

23 Facebook users?

24 A. So you are breaking up so I haven't heard

11:47:07 25 all of your words and could someone go on mute.

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****CONFIDENTIAL ROUGH DRAFT****

11:47:12 1 MR. BLUME: There -- I think there was
2 typing someone was typing it was -- it blocked
3 blocked you out.

4 Could you ask that again, David.

11:47:24 5 MR. KO: Would you agree with me that the
6 SRRs and the DUPs govern how Facebook uses the data
7 and information Facebook collects from and about
8 Facebook users.

9 MR. BLUME: Objection. Form.

11:47:41 10 THE DEPONENT: The -- I agree that the
11 SRR is the terms -- the agreement with people who
12 use our service. And that the data use policy is
13 the document which outlines the different -- not
14 the different that the data use policy is the
11:48:01 15 primary document that outlines to people what we
16 collect and how we will use the information and how
17 it is so the TUP being the primary document in
18 terms of use of information. But there's a whole
19 host of educational materials another there. But

11:48:16 20 those -- the DUP is the primary source.

21 Q. (By Mr. Ko) Okay. Are any of these
22 educational materials policies or contracts that
23 Facebook asks the user to consent to?

24 MR. BLUME: Objection. Form.

11:48:40 25 THE DEPONENT: When you user signs up

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****CONFIDENTIAL ROUGH DRAFT****

11:48:42 1 their -- they are freeing that he have they have
2 read the data use policy and they are using -- I
3 don't remember the question.

4 Q. (By Mr. Ko) Are any of these educational
11:49:16 5 materials policies or contracts that -- at Facebook
6 asks the user to consent to?

7 MR. BLUME: Objection. Form.

8 THE DEPONENT: They are materials
9 intended to -- to educate people but they are
11:49:28 10 not -- for example, we don't agree to the help
11 center.

12 Q. (By Mr. Ko) Let me ask it a different
13 way and again this is just to orient ourselves for
14 purposes of this discussion.

11:49:45 15 But is it fair to say that the SRR and
16 the DUP are the two primary policies or contracts

17 that govern how Facebook uses the data and
18 information Facebook collects from and about users?

19 MR. BLUME: Objection.

11:50:05 20 THE DEPONENT: With respect to the
21 Facebook product, yes. I -- those are the two
22 primary documents.

23 Q. (By Mr. Ko) And when I say data and
24 information, the SRR contains a provision in it
11:50:29 25 that -- that is referred to as quote content

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****CONFIDENTIAL ROUGH DRAFT****

11:50:33 1 information "does that sound familiar"?

2 A. I need to look at whatever version you
3 are referring to.

4 Q. That's fair.

11:50:45 5 But without referring to a particular
6 version, let me ask it this way, does the phrase
7 content and information sound familiar to you at
8 all?

9 MR. BLUME: Objection. Form.

11:50:57 10 THE DEPONENT: Yes, and I just want to
11 flag that we agreed at the outset that Facebook and
12 Meta would be interchangeable I just want to flag
13 that, you know, the terms of service the SRR is

14 with -- with respect to Facebook. But there's
11:51:12 15 Instagram terms of service for example I just want
16 to make sure that point is clear and other things
17 like Oklahoma trust and you know WhatsApp so I used
18 just Facebook in that legal conclusion response
19 just to mean people who use the Facebook app.

11:51:33 20 MR. BLUME: And David we have been going
21 a little more than a hour if you are coming up to a
22 break.

23 MR. KO: Sure. Thank you for that
24 explanation.

11:51:42 25 Q. (By Mr. Ko) Let me ask the question I

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****CONFIDENTIAL ROUGH DRAFT****

11:51:43 1 was asking before does the phrase consent and
2 information sound familiar to you at all?

3 MR. BLUME: Objection.

4 THE DEPONENT: Yes.

11:51:53 5 Q. (By Mr. Ko) What is your understanding
6 of content and information?

7 MR. BLUME: Objection. Form.

8 THE DEPONENT: That's incredibly board
9 like what do you mean.

11:52:09 10 Q. (By Mr. Ko) I'm asking you said what

11 understood what content -- content and information
12 is, correct?

13 MR. BLUME: Objection.

14 THE DEPONENT: Yes, but you -- you
11:52:19 15 earlier said content and information as if it was a
16 header in the SRR one of the various versions many
17 all of which I reviewed. Sitting here today, I
18 would need to look at the terms of service to see
19 if that is a header, but now you've broaden us out
11:52:36 20 or so I'm interpreting so now you are just asking
21 me generally like what the definition of content
22 and information mean to me. So I'm not sure where
23 you are heading with this.

24 Q. (By Mr. Ko) Let's go back to in the
11:52:51 25 context of the SRR. Are you familiar with the

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****CONFIDENTIAL ROUGH DRAFT****

11:52:57 1 phrase content and information in the context of
2 the SRR?

3 A. I would need to -- to look I'm not -- I'm
4 not just there's so much material as I'm sure you
11:53:11 5 understand I -- I don't remember. But I'm more
6 than happy to be presented with whatever you
7 apparently are seeing that I'm not. So I can --

8 Q. I'm not seeing?

9 A. -- refresh my recollection.

11:53:26 10 Q. We can do that in a moment, but -- but

11 before we do that. I'm just establishing some

12 foundation and some things that you know or you

13 don't know without having to go to the document.

14 So is it your testimony that you don't

11:53:39 15 know what content and information in the context of

16 the various refers to simply yes or no?

17 MR. BLUME: Objection. Form. and scope.

18 THE DEPONENT: It's not that I don't know

19 it's that I don't remember and need to refresh I

11:53:54 20 don't think the Court expect to remember every

21 single word in every version of the document I

22 think that that is unfair.

23 Q. (By Mr. Ko) Okay. Well, your objection

24 is duly noted but I think you are probably assuming

11:54:09 25 way to much in my question. I'm asking you a very

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****CONFIDENTIAL ROUGH DRAFT****

11:54:11 1 simple and straightforward yes-or-no question.

2 Does the term "content and information"

3 in the context of the SRR mean anything to you?

4 MR. BLUME: Objection. You can answer in

11:54:29 5 your -- in your personal capacity if it means
6 anything to you.

7 MR. KO: Stop -- stop Mr. Blume.

8 MR. BLUME: I'm giving her instruction
9 you don't have to interrupt me.

11:54:39 10 THE DEPONENT: I know what content like
11 for example, the SRR community standards and those
12 are types of content that you may or may not more
13 so may not upload onto Facebook. So content
14 insofar as what type of content you can post or
11:55:02 15 content insofar as what content we collect and what
16 we will use with it and/or how we can use that in
17 the context of the data use policy. So hopefully
18 that gave you a little bit more color. But if we
19 are getting specific to like is there a -- a

11:55:19 20 heading content and information. I don't remember.
21 I would need to to take a look. But hopefully that
22 gives you more clarity. On -- on content can be
23 used depends on the context of the conversation or
24 of the question of which you haven't provided any.

11:55:37 25 MR. BLUME: Ready for a break David.

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****CONFIDENTIAL ROUGH DRAFT****

11:55:39 1 MR. KO: Almost. Thank you -- thank you

2 -- Hendrix it slowly does let me just ask a few
3 follow-up questions. It's exactly what I was
4 trying to get at.

11:55:49 5 Q. (By Mr. Ko) You responded that you
6 understood that content and information included
7 information that Facebook collects and -- and what
8 Facebook will use with it and how Facebook can use
9 that in the context of the data use policy you
11:56:04 10 recall that answer a moment ago?

11 A. I would just trying to give you examples
12 of what it could mean if all just depends on the
13 location of the -- which word the content and/or
14 organization is, so I don't think even think my
11:56:18 15 response is helpful.

16 Q. Well, it was helpful to me. So in -- in
17 the context of the SRRs. Is it fair to say that
18 content and information includes the type of
19 information that Facebook collects about a user?

11:56:41 20 MR. BLUME: Objection. Form.

21 THE DEPONENT: I -- again I need to see
22 the section of the SRR that you are referring to
23 like the -- the data use policy is the primary
24 document which has been referred as the privacy
11:57:03 25 policy that there is to tell you what do you

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****CONFIDENTIAL ROUGH DRAFT****

11:57:06 1 collect and how is the information used. So in the
2 actual SRR, I would need to, you know, if you don't
3 mind showing me, like the sentence that you are
4 seeing, that's causing you to ask me that question.

11:57:22 5 But it's just -- I'm not able to go further and
6 speculation unless -- unless I knew what you were
7 talking about and I frankly don't.

8 Q. (By Mr. Ko) In the data use policy as
9 you described it governs the types of or it governs
11:57:43 10 how Facebook collects user information and how it
11 is used. There are provisions in the data use
12 policy as a general matter, that deal with content
13 and information or do you not know one way or the
14 other?

11:57:59 15 MR. BLUME: Objection. Beyond the scope.
16 Form.

17 THE DEPONENT: The data use policy
18 absolutely discusses what information we collect
19 and how that information can be used. It also
11:58:12 20 helps you learn how could you can control your
21 information and -- and yes in the SRR there are
22 disclosures to people about being careful about
23 what they share, for example with their friends

24 because their friend, you know, use that

11:58:30 25 information to be very careful. So there -- so

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****CONFIDENTIAL ROUGH DRAFT****

11:58:33 1 there is -- that is refresh my memory of it a

2 section within the SRR to take you -- us back to

3 where you were going.

4 MR. BLUME: All right. Let's we have

11:58:42 5 been going.

6 MR. KO: Thank you for.

7 MR. BLUME: 20 minutes let's take a break

8 please.

9 THE DEPONENT: I need a break.

11:58:47 10 MR. KO: Sure. We can take a break.

11 (Discussion off the stenographic record.)

12 THE VIDEOGRAPHER: Sure. We are off the

13 record 11:58 a.m.

14 (Recess taken.)

12:15:07 15 THE VIDEOGRAPHER: We are back on the

16 record it's 12:15 p.m.

17 Q. (By Mr. Ko) Ms. Hendrix, welcome back

18 from the break.

19 We were talking a moment ago about the

12:15:22 20 SRRs and the DUPs with respect to the former. The

21 SRRs, at any point in time every Facebook user in
22 the United States is subject to the same SRR,
23 correct?

24 A. Yes, that's correct.

12:15:44 25 Q. And at any point in time every Facebook

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****CONFIDENTIAL ROUGH DRAFT****

12:15:47 1 user in the United States is subjected to the same
2 DUP or data use policy, correct?

3 A. That's correct.

4 Q. And these contracts and policies as we
12:15:57 5 have discussed before have been subject to various
6 changes over time, but put another way there was
7 only one operative SRR at a time, correct?

8 A. Yes, there's just been the one agreement
9 with users who agree to use the service and not
12:16:25 10 two.

11 Q. And there was only operative DUP data use
12 policy at the time, correct?

13 A. That's correct we have terms and privacy
14 policy the term -- the terms and privacy policy the
12:16:40 15 names having evolve but just those two.

16 Q. So in -- in 2013, for exempling let's
17 pick a point in time, the operative SRR at the time

18 was a contract that Facebook had every single
19 Facebook user in the United States; is that
12:16:58 20 correct?
21 A. Yes.
22 Q. And same question with respect to the
23 DUP. In 2013, to pick up a time a illustrative
24 time example there only one data use policy and
12:17:15 25 that was operative and applicable to a user at that

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****CONFIDENTIAL ROUGH DRAFT****

12:17:18 1 time for every user in the United States, correct?
2 A. Yes.
3 Q. And this would be true for the entire
4 time period from January 1st, to --
12:17:30 5 January 1st, 2007 to present, correct, there only
6 one operative SRR and one operative DUP, correct?
7 A. Yes.
8 Q. And there was never a time period in
9 which there was more than one SRR that would be
12:17:47 10 applicable to a particular user, correct?
11 A. That's correct.
12 Q. And similarly there bass never a time
13 from January 1st, 2007 to present when there was
14 more than one DUP applicable to a particular user,

12:18:06 15 correct?

16 A. That's -- that's correct.

17 What do you mean by "applicable"?

18 Q. Only one contract or policy that governed
19 Facebook's relationship with users?

12:18:28 20 A. Okay. So yes, I -- I don't need to
21 correct my prior responses.

22 Q. Ms. Hendrix are you familiar with the
23 settings that Facebook made available to its users?

24 MR. BLUME: Objection. Form.

12:18:50 25 THE DEPONENT: What settings are you

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****CONFIDENTIAL ROUGH DRAFT****

12:18:51 1 referring to. Just to help fair enough I'm going
2 to orient you to topic 3 in topic 3. There's a
3 description as to the privacy and app settings.

4 THE DEPONENT: Okay. Yes, thank you.

12:19:16 5 Q. (By Mr. Ko) So are you here today to
6 testify on behalf of Facebook as to the development
7 and revisions of those particular settings?

8 A. Yes, how -- how they are developed and
9 the processes for developing them.

12:19:38 10 Q. Are you specifically familiar with the
11 privacy settings?

12 A. Yes.

13 Q. What are they?

14 MR. BLUME: Objection. Form.

12:19:51 15 THE DEPONENT: Well, they -- the privacy

16 settings can be for your content that you are

17 uploading to Facebook so to the extent that we

18 provide with the ability to have a privacy setting

19 attached to a given piece of content, than there's

12:20:08 20 no types of privacy settings. And then there's the

21 application settings.

22 Q. (By Mr. Ko) So I assume then you are

23 familiar with -- with app settings or application

24 settings?

12:20:27 25 A. Yes.

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****CONFIDENTIAL ROUGH DRAFT****

12:20:28 1 Q. What is the distinction between privacy

2 settings and application settings?

3 A. Well, the privacy settings relate to and

4 are relevant to your app settings so you've got

12:20:42 5 your privacy settings and then a subset of those

6 settings are settings that you can apply to your

7 vies of the Facebook platform applications.

8 Q. So the two are related, correct?

9 A. Yes, that's correct.

12:21:03 10 Q. And as you said the two are relevant to
11 each other, correct?

12 A. Yes.

13 Q. And let me try and -- and characterize
14 what I think and you are more than free and I
12:21:24 15 welcome edits to characterization or revisions to
16 this characterization but in thinking about the
17 user privacy settings it occurred to me that
18 they -- they more or -- or they reflect the control
19 that Facebook allowed users to try restrict or
12:21:41 20 limit what information related to the user or their
21 friends were being shared; is that a fair
22 characterization?

23 A. The friend element of your description is
24 confusing because I can't control my friends
12:22:04 25 privacy settings.

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****CONFIDENTIAL ROUGH DRAFT****

12:22:04 1 Q. Well for now let's -- let's eliminate the
2 friend the users friend from that.

3 So is fair to say that the privacy
4 settings reflect the control that Facebook allowed
12:22:18 5 its users to try to reflect or limit or what --

6 what information related to the user was being
7 shared.

8 Do you agree with that statement?

9 A. I would characterize it more as what
12:22:35 10 information the user could tell Facebook that they
11 wanted to be displayed, so for example, you might
12 set your post to publics or everyone or you might
13 set your post to friend of friends any custom
14 network or just to only me.

12:22:56 15 So there's -- there's a number of
16 settings it just depends on what the context is
17 of -- of what we are talking about.

18 Q. That's helpful.

19 Let's go with how you characterize it and
12:23:09 20 in particular the aspect of your response that said
21 displayed.

22 So it's your testimony that the privacy
23 settings primarily governed how a Facebook user
24 could control what information was being displayed
12:23:32 25 on her or his Facebook profile; is that correct?

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****CONFIDENTIAL ROUGH DRAFT****

12:23:38 1 MR. BLUME: Objection.

2 THE DEPONENT: I would describe it as the

3 privacy settings to the extent there is a privacy
4 setting attached to the information so for example
12:23:51 5 your name is permanently public. Like you don't
6 hide your name. But to the extent there's a
7 privacy settings and then the user has the choice
8 to use that setting and depending what him her or
9 them would like to do they will set it as public or
12:24:14 10 to just their friends or only to themselves for
11 example.

12 Q. (By Mr. Ko) Or to a -- a custom
13 audience, right?

14 A. Right if there's accustom network or that
12:24:32 15 they created or something like that.

16 Q. Would it be accurate to say it's the
17 privacy settings -- well, remember how earlier I
18 had asked about whether or not the privacy settings
19 related to what information a user would want to
12:24:47 20 share or restrict about themselves and I want to
21 focus in on -- on the share aspect of it.

22 Is there any part of the privacy settings
23 that reflect what information could be shared or
24 restricted by a particular user?

12:25:07 25 A. What do you mean by "shared"?

****CONFIDENTIAL ROUGH DRAFT****

12:25:11 1 Q. Well, let me ask you because you said in
2 response to the question that I had asked, you had
3 talked about what a user would display.

4 In what con technical or what -- what do
12:25:23 5 you mean when you say display?

6 A. I mean, let's say that I upload an album
7 of photos from an event, I went to and took
8 pictures and I want to upload them to my Facebook
9 profile. In the context of doing so, I'm presented
12:25:40 10 with the option to upload this as an only me album.

11 So I'm only allowed on Facebook my album or set it
12 for everyone the whole public someone who doesn't
13 even use Facebook could navigate. Or I could set
14 it to my friends or the custom piece that I
12:26:00 15 referred to. And then by using that settings,
16 programmatically it tells the Facebook product to
17 render or not render the content depending on the
18 setting that I selected.

19 Q. And the privacy settings would be
12:26:17 20 applicable to that process, correct?

21 A. Right the product respects privacy.

22 Q. And have you heard of the term on
23 platform activity?

24 A. Yes.

12:26:31 25 Q. Have you heard of the term off platform

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****CONFIDENTIAL ROUGH DRAFT****

12:26:33 1 activity?

2 A. Yes.

3 Q. What is your understanding of these two
4 terms?

12:26:43 5 A. It depends on the context of the use of
6 the term platform.

7 Q. Can we agree that the platform is --
8 let's start with the context of the Facebook
9 platform.

12:26:58 10 Does that help or do you need more?

11 A. Not quite.

12 Q. Okay.

13 A. Not quite.

14 Q. So can you describe to me what the

12:27:06 15 different versions of the platform you are thinking
16 of or the various versions of -- of the platform
17 you are thinking of?

18 A. Well some people will refer to as the
19 Facebook app or website as the Facebook platform.

12:27:21 20 I in my years working at the company, when I hear
21 the word platform, I many a bias in the sense I

22 have always worked on our platform technology
23 for -- to mean the -- the -- the Facebook platform
24 that we -- that we launched in May of 2007.

12:27:42 25 So that's why it's important for us to be

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****CONFIDENTIAL ROUGH DRAFT****

12:27:45 1 on the same page with respect to the word platform.

2 Because there were, if we are just going back now
3 to the set of technologies that allowed third
4 parties, you know, to -- to connect with the

12:27:56 5 Facebook app, that -- that is the platform as I
6 speaking to and those apps could be either on
7 Facebook or off of Facebook.

8 Depending on where the developer wanted
9 to host them.

12:28:08 10 Q. Okay. Given -- given that distinction
11 between on and off platform.

12 Do the privacy settings deal with both on
13 and off platform activity as you described?

14 A. So the privacy settings apply to the --

12:28:32 15 the settings that you are setting for the content
16 you are uploading to the Facebook service then
17 there's also privacy settings related to apps and
18 those settings can be used with respect to the

19 information that you share with third party
12:28:49 20 applications or that otherwise make available
21 through the platform.

22 Q. And so those -- that particular setting
23 or settings those are the app settings, correct?

24 A. App settings, yes there -- those would
12:29:07 25 apply to your use of the Facebook platform as I

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****CONFIDENTIAL ROUGH DRAFT****

12:29:11 1 just described my -- my understanding -- like
2 the -- the platform technologies.

3 Q. And with respect to both of these
4 settings, which as you described were related to
12:29:27 5 each other. Would it be fair to say that
6 collectively these settings are the controls
7 Facebook enacted to try to give Facebook users
8 control of what information they could share on
9 Facebook?

12:29:46 10 MR. BLUME: Objection. Form.

11 THE DEPONENT: Yeah, I -- I wouldn't say
12 try they always have given people control over
13 their content.

14 Q. (By Mr. Ko) Okay. Collectively is it
12:29:57 15 fair to say that these settings are the control

16 Facebook enacted to give users control of what
17 information they could share on Facebook?

18 A. Not quite because I won't explain my
19 problem with your -- with your question. I don't
12:30:15 20 understand it.

21 Q. Okay. Well, I'm trying to get to a point
22 where we can come to a common understanding. So I
23 got -- eliminated the portion that you were
24 uncomfortable when I removed try from my question.

12:30:29 25 Who are the other aspect of my question

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****CONFIDENTIAL ROUGH DRAFT****

12:30:31 1 that are unclear?

2 A. Please restate.

3 Q. Collectively is fair to say that the
4 privacy and app settings are the controls Facebook

12:30:43 5 enacted to give users control of what information
6 they could share on Facebook?

7 A. No.

8 Q. What -- what -- what are -- are there any
9 other settings that I'm missing here?

12:30:59 10 A. The settings don't necessarily, like it's
11 just -- I'm confused over your question. So like I
12 could go and post hate speech today but I have

13 agreed not to do that. So that's the SRR. Not a
14 privacy setting.

12:31:15 15 Q. Okay. Can you unpack that a little bit?

16 A. No.

17 Q. You can't. Because you just gave me an
18 explanation so I'm trying to figure out what you
19 mean by that?

12:31:30 20 A. I'm -- I mean what I said and I even gave
21 an an example.

22 Q. Okay. And you said the settings don't
23 control over hate -- hate speech post that you
24 would make and so why -- why is that?

12:31:52 25 A. Privacy settings are for what you want to

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****CONFIDENTIAL ROUGH DRAFT****

12:31:59 1 be visible to people who use Facebook, you know,
2 and then there's -- there's app settings on --
3 depending on the relevant period would apply to
4 what you want to enable to be shared through the
12:32:19 5 Facebook APIs.

6 So that's why your question and I used
7 the hate speech example none of those settings
8 would the exception of some of the ability for us
9 to prevent certain types of content from even being

12:32:36 10 uploaded such as child exploitation kind of content
11 wherever technically possible we try to prevent
12 that content a technical or get it down ASAP but
13 those settings don't control the content that I'm
14 publishing they control who can see it. And where
12:32:56 15 it can flow through the APIs.

16 Q. Thank you.

17 So with respect to -- let's -- let's go
18 to the app settings. Is it fair to say that the
19 app settings governed the controls Facebook enacted
12:33:21 20 to try and -- well to give Facebook users control
21 of what information could be shared on Facebook
22 through Facebook APIs?

23 A. That question doesn't make sense.

24 Q. You said that the way in which third
12:33:40 25 parties could access information about a -- about a

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****CONFIDENTIAL ROUGH DRAFT****

12:33:43 1 Facebook user was through APIs, correct?

2 A. I did not say that.

3 Q. Okay. Well, let me ask it more directly.

4 Facebook APIs were the way or accessing a
12:33:59 5 Facebook API or APIs was the way in which a third
6 party app developer could access information about

7 a Facebook user, correct?

8 MR. BLUME: Objection.

9 THE DEPONENT: Does the way the

12:34:21 10 characterizing is just not the way that technically

11 it works. So for example if I'm a developer of a

12 third party applicants and I want to navigate to

13 John Smith's profile manually I go and see that.

14 That's why I don't want to narrow the developer

12:34:36 15 community can actually always they have human they

16 go to my profile or any profile and see what

17 information is public. Certain information is

18 always public and then other information is not

19 public but that's because the user has chosen to

12:34:53 20 set their settings in a -- in a -- to only me for

21 example.

22 So developers of course can get

23 information subject to the controls that we have in

24 place through the platform but that -- those --

12:35:08 25 that the data will only be accessible to the APIs

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****CONFIDENTIAL ROUGH DRAFT****

12:35:13 1 to the extent that users didn't choose to not make

2 their data available for example by opting out of

3 the platform or by -- well, that -- we should end

4 there.

12:35:28 5 Q. (By Mr. Ko) I wasn't trying to
6 exhaustive in my question. I apologize if I wasn't
7 clear unclear one way in which a third party
8 developer access information on a particular user
9 is through an API through the Facebook platform or
12:35:44 10 in connection with the Facebook platform, correct?

11 A. If the user chooses to share that
12 information, and make it accessible through the
13 platform for example by not opting out.

14 Q. Yes or no.

12:36:05 15 A. I answered your question.

16 Q. So if the user -- if user choose he to
17 share the information and make it axes I believe
18 flow the platform one way in which a third party
19 developer to access information about that
12:36:17 20 particular user is through an API, correct?

21 A. And yes subject to the fact that the
22 platform has changed and we are on the 13th some
23 version. So it's -- it's how -- how it works
24 depends also on when you are asking me. So like,
12:36:41 25 you know, the -- the move from version 1 to version

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****CONFIDENTIAL ROUGH DRAFT****

12:36:44 1 two there's no longer friend permissions available.

2 So it's all about -- so the friend's settings

3 wouldn't apply, right.

4 Q. When you said a moment ago, "if the user

12:36:55 5 chooses to share that information."

6 Through what mechanism can that user

7 decide to choose to share that information?

8 A. Well they choose to create a Facebook

9 account. Then they choose to decide what they want

12:37:13 10 to fill in and complete. They choose what they

11 want to share. They choose who they want to share

12 it with. They choose whether they want to use

13 the -- the platform application and historically

14 they have chosen whether they want to allow their

12:37:29 15 information to be shared by their friends who

16 install. There's just a series of choices it all

17 depends on the choices each individual user makes

18 and then the Facebook product respects those

19 privacy settings.

12:37:46 20 Q. Back to the information that they choose

21 to share, how do they decide that?

22 A. I can't speak for the -- each individual

23 user. I -- I can tell you how I choose to share

24 content.

12:37:58 25 Q. I -- I understand the confusion.

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CONFIDENTIAL ROUGH DRAFT

12:38:01 1 Technically speaking with respect to a user's
2 interaction on the Facebook platform is there a
3 tool or a setting that they can select in terming
4 what to share with a third party?

12:38:20 5 MR. BLUME: And objection to the extent
6 this relates to topic 6 and not the communication
7 but the technology, I would instruct her not to
8 answer you have a witness on that coming.

9 MR. KO: It's not related to topic six
12:38:36 10 for your gratification.

11 MR. BLUME: All right. What topic does
12 it relate to then.

13 MR. KO: Topic 3 privacy and app
14 settings.

12:38:44 15 MR. BLUME: You asked about technology.
16 So that's what confused me.

17 Q. (By Mr. Ko) Ms. Hendrix, what were the
18 settings that a user could utilize to control the
19 information that they wanted to share?

12:39:02 20 A. And with who and where?

21 Q. Let's start with the third-party app
22 developer.

23 Q. And what the relevant period.

24 Q. I already instructed unless I specify

12:39:20 25 otherwise I'm talking about the entire time.

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****CONFIDENTIAL ROUGH DRAFT****

12:39:23 1 A. Well --

2 MR. BLUME: Objection. Scope.

3 THE DEPONENT: From 2007 to 2022 today,

4 those settings have changed. So for example,

12:39:36 5 there's not a setting for use to specify which

6 piece of information you are comfortable that you

7 have shared with your friends that's visible to

8 your friends on Facebook that are comfortable

9 sharing third party applications so apps improve

12:39:53 10 and socialize for example birthday app I might sure

11 you can set -- I don't care take my birthday to a

12 third-party app. That setting is no longer exists

13 because that's no longer technically possible

14 through the product. But also might be comfortable

12:40:12 15 sharing my photos by private photos so might to

16 nope you share my birthday that I have set to

17 private. But you can't share my photos that I have

18 set to private.

19 Q. (By Mr. Ko) Take a look at the notice

12:40:30 20 again and on page nine of the notice there's a
21 reference to users privacy settings.

22 Do you see that. That would be paragraph
23 22 is?

24 A. I see what it says.

12:40:57 25 Q. Do you agree that a user's privacy

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****CONFIDENTIAL ROUGH DRAFT****

12:40:59 1 settings means the audience selector on the
2 Facebook app that purported to allow Facebook users
3 to control with whom their information was shared?

4 A. I agree that -- that is what it says.

12:41:16 5 But in the context of audience selector like
6 what -- like -- does that mean to you like per
7 object privacy like what I'm sharing on Facebook
8 and then whether I'm allowing that content to be
9 shared off of Facebook. Generally this -- this

12:41:36 10 could be generalized into -- into like -- I mean
11 these I think are your words but I hope I'm clear.
12 Like every user has a choice with respect to using
13 the product and then to the extent we offer privacy
14 controls, they can choose whether to use them.

12:41:55 15 Those controls include whether to use the Facebook
16 platform or whether to, for example, opt out so

17 yes, I mean at all times people are controlling
18 their information to the extent they choose to use
19 Facebook.

12:42:19 20 Q. How would you describe to the Court what
21 your understanding of users privacy settings
22 consist of?

23 A. I just described how it works and so
24 that's my response. I mean, going back to the SRR
12:42:33 25 we tell people keep in mind that what you share and

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****CONFIDENTIAL ROUGH DRAFT****

12:42:36 1 make visible to your friends, means that you are at
2 some point in time they could be doing something
3 with that information that you are not aware of
4 that those disclosures have always been in place

12:42:49 5 just to tell people to be careful about the content
6 that they upload to be aware of the settings that
7 they are selecting that's why we have all of the
8 different educational resources on top of the data
9 use policy in the SRR that really -- really help

12:43:05 10 you understand that these decisions you are making
11 have potential consequences but that you ultimately
12 control the audience until you choose to share and
13 choose to share it to everyone or choose to share

14 it with your friends than technically those people
12:43:22 15 could do something that you don't desire them to
16 do.

17 But ultimately the settings is the --
18 your decisions on the visibility of that content,
19 including whether you want to enable that content
12:43:39 20 to be used in the context of third party
21 applications.

22 Q. Great.

23 And that would be both the privacy and
24 app settings that we were -- that we have been
12:43:50 25 talking about, correct?

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****CONFIDENTIAL ROUGH DRAFT****

12:43:52 1 A. Privacy and app settings are the specific
2 controls but then the SRR the data use policy the
3 help senior all of the privacy check-ups and all of
4 those are also a part -- a part of the overall user
12:44:07 5 experience so that people have that understanding
6 of the -- of how they choose to use those settings,
7 so it -- they all interrelate.

8 Q. What -- what organization or or
9 organizations at Facebook were responsible for
12:44:24 10 developing the privacy and app settings?

11 A. So this would go back to my earlier
12 point. It's a teams to teams of engineers to build
13 you need product manager to drive legal to advice
14 you need policy to advice you need comms to advice
12:44:41 15 you need platform marketing teams to add anxiety.
16 You need to -- to just ensure that all of these
17 relevant stakeholders are a part of the process and
18 that can -- they are not at the table all the time
19 always together but they all are a part of -- and
12:44:58 20 part -- and the privacy program managers. The
21 privacy review teams. Like they are all a part of
22 the teams that understand what it is that we want
23 to build and how it's going to work and how we are
24 going to communicate that and so it's a team of
12:45:14 25 teams.

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****CONFIDENTIAL ROUGH DRAFT****

12:45:15 1 Q. I understand. And would expect there to
2 be a lot of organizations and teams that were part
3 of it.

4 So can you identify which teams had the
12:45:25 5 primary responsibility for developing the privacy
6 and app settings?

7 MR. BLUME: Objection.

8 THE DEPONENT: So the platform product

9 team would be more closely involved in the app

12:45:40 10 setting development and then because setting aside

11 let's take we didn't have even have a Facebook

12 platform as I have described it, you know, the

13 third party applications, if just had Facebook you

14 had product and engineer tools that have nothing to

12:45:57 15 do with the third party applications or the

16 Facebook platform. So there's product teams but

17 these product teams work on different products and

18 there's legal teams and within those legal teams

19 they support and counsel different product teams.

12:46:10 20 Same with comms, same with policy, same

21 with marketing for example.

22 Q. (By Mr. Ko) So what were the -- I'm

23 trying to get in this instance I am trying to get a

24 list -- a finite list if you will of the

12:46:34 25 organizations that were part of developing the

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****CONFIDENTIAL ROUGH DRAFT****

12:46:38 1 privacy settings so I had heard you to say that

2 legal engineers, policy, privacy, marketing, those

3 were -- the teams that were responsible for

4 developing the settings, correct?

12:46:55 5 MR. BLUME: Objection. Asked and
6 answered.

7 THE DEPONENT: No, I mean like we have a
8 privacy program team. There's content strategy
9 gist, like it's -- like how you get involved all
12:47:10 10 depends on the nature and scope of what is shipping
11 and what is -- what is being launched. So we
12 launched a fundraiser API at one point in time.
13 And so maybe the team that works on social good in
14 helping people really, you know, complement the
12:47:27 15 mission of connecting people and helping people for
16 example, like using the -- the API to help raise
17 funds.

18 Q. (By Mr. Ko) Earlier today you were able
19 to identify organizations that had both -- that had
12:47:48 20 primarily responsibility or -- or were most
21 important to process of drafting the SRRs and the
22 DUPs and the platform policies.

23 Do you recall that?

24 A. I do.

12:48:02 25 Q. I'm going to ask you that same type of

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****CONFIDENTIAL ROUGH DRAFT****

12:48:04 1 question with respect to the privacy settings and

2 the API settings.

3 Can you identify which Facebook

4 organizations have the primary responsibility for

12:48:17 5 developing the privacy and app settings?

6 MR. BLUME: Objection.

7 THE DEPONENT: It would be the same teams

8 that work on -- so we don't pull in an engineer to

9 help write the terms of service but an engineer and

12:48:35 10 product team member will need to be very deep hey

11 involved in understanding how we are describing how

12 things work because they are the ones who are

13 ensuring us that what we say, is consist in the

14 data use policy for example is consist with what

12:48:49 15 they have built.

16 So it is just like nothing can be done in

17 a vacuum and it's -- I wouldn't say that there's

18 ever -- a finite list I always joke around as the

19 person who has been responsible for developing the

12:49:08 20 Facebook platform policies since 2009, I will

21 accept a proposed policy change from a member of

22 the culinary team. So we don't say you are not

23 included just because there's finite list there's

24 primary people and so that's -- the way -- the way

12:49:27 25 that we work at this company.

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****CONFIDENTIAL ROUGH DRAFT****

12:49:30 1 Q. (By Mr. Ko) That's helpful I just
2 want -- I want to try listen to my question as
3 closely I was actually asking a yes or no I
4 appreciate the explanation.

12:49:40 5 But it's it sounds like the answer will
6 be no. But my -- my question was, can you identify
7 which Facebook organizations ever the primary
8 responsibility for developing the privacy and app
9 settings. Sounds like your answer is no, you
12:49:57 10 cannot; is that fair?

11 A. No it is not fair. So if you want me.

12 A. You finite.

13 Q. No, I didn't -- let me ask again.

14 Can you identify yes or no, which
12:50:09 15 Facebook organizations have the primary
16 responsibility for developing the privacy and app
17 settings yes or no?

18 MR. BLUME: Objection.

19 THE DEPONENT: What do you mean by
12:50:19 20 "developing"?

21 Q. (By Mr. Ko) Okay. You have an
22 understanding of what the term developing means?

23 MR. BLUME: Objection.

24 THE DEPONENT: Well, yes, but are you
12:50:32 25 saying developing.

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****CONFIDENTIAL ROUGH DRAFT****

12:50:33 1 Q. (By Mr. Ko) What is?

2 A. Developing the route.

3 MR. BLUME: Hold.

4 THE DEPONENT: With you please not talk
12:50:38 5 over each. Are you saying in development insofar
6 as actually developing or writing the code or
7 developing insofar what the content what is the
8 text what is the control. Why do we want the
9 control should we have the control. It all depends
12:50:56 10 on what we are talking about. So we want.

11 Q. (By Mr. Ko) Stop later?

12 A. Box it into the a single piece.

13 Q. Let's start with the latter?

14 A. I don't remember what my latter was.

12:51:06 15 Q. Your later was developing insofar as the
16 content what is the text what is the control why
17 don't we want the control should we have the
18 control that's what I'm referring to?

19 A. That would be our privacy XFN which
12:51:23 20 consist of that that product teams will go or that

21 pull teams in so that's legal. Privacy program
22 managers. Policy product counselors. And then
23 natural you need the product teams because they
24 have a vision for their product and how they want
12:51:44 25 to be used and what they want to build, so it's

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****CONFIDENTIAL ROUGH DRAFT****

12:51:49 1 very collaborative.

2 Q. And with respect to the aspect of
3 development as it relates to engineers can you
4 answer the question of what teams or organizations
12:52:07 5 at Facebook have the primary responsibility for
6 developing the privacy and app settings?

7 MR. BLUME: Objection. Beyond the scope
8 for designated topics.

9 THE DEPONENT: It all depends. So for
12:52:20 10 example, a research team member might conduct a
11 small study and the focus group to make sure people
12 understand these settings they they might improve
13 improved upon or that we should do things such as,
14 maybe I think Pratiti when I spoke with her it was
12:52:42 15 the research team like some researchers embedded in
16 product teams there's a research teams as well it
17 was -- an individual research team that was the

18 catalyst for the development of the privacy checkup
19 tool.

12:52:55 20 So again it all depends on who proposing
21 going annoying culinary comment.

22 Q. (By Mr. Ko) So there was a research team
23 that had its hand in the development of privacy and
24 app settings; is that accurate?

12:53:11 25 MR. BLUME: Objection.

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****CONFIDENTIAL ROUGH DRAFT****

12:53:17 1 THE DEPONENT: It is accurate to say that
2 we rely on internal research employees to help us
3 ensure that we are that people understand our terms
4 and the products including the settings.

12:53:33 5 Q. (By Mr. Ko) So this research team as you
6 indicated conducted stud it is, correct?

7 MR. BLUME: Objection.

8 THE DEPONENT: So there are researchers
9 at Facebook and the -- where they -- and who they
12:53:47 10 report into is different the way that -- that that
11 works, so.

12 Q. (By Mr. Ko) I'm not asking who they
13 report to I just simple asked this research team
14 conducted stud it is; is that correct?

12:54:00 15 MR. BLUME: If it doesn't involve

16 reporting lines than beyond the scope.

17 MR. KO: Mr. Blume topic three overview

18 for process of privacy through app settings.

19 Okay stop with those objections.

12:54:20 20 Q. (By Mr. Ko) Ask you again Ms. Hendrix

21 this research team conducted stud it is; is that

22 correct?

23 A. Well, I don't know which research team

24 you are talking about. Like.

12:54:29 25 Q. I'm talking?

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****CONFIDENTIAL ROUGH DRAFT****

12:54:30 1 A. I'm trying.

2 MR. BLUME: Let her finish please.

3 THE DEPONENT: I'm trying to tell you

4 that like the research -- researchers at our

12:54:37 5 company and I can -- I -- are some of are on like a

6 team and some are embedded win our team so a

7 product manager might say hey I have an idea for

8 updating a -- an app setting or -- Aaron reports

9 privacy setting. And so could you help me conduct

12:54:57 10 research into whether or not and how we could and

11 might develop this setting if it's new or ensure

12 that the setting is understood. So that's speaking
13 to or, you know, just different teams, like -- a
14 college could have an experience and say hey we
12:55:21 15 might want to improve or this or something.

16 Everybody can have ideas.

17 Q. (By Mr. Ko) I'm looking at the
18 transcript and at 12:52 you gave me an example, in
19 response to your confusion over the word
12:55:35 20 development.

21 You gave me an example of what certain
22 groups and teams did at Facebook and one example
23 you gave was that quote a research team member
24 might conduct a small study and the focus group to
12:55:51 25 make sure people understand these settings that

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****CONFIDENTIAL ROUGH DRAFT****

12:55:54 1 might improve or be improved upon ."

2 With respect to that example and no other
3 example, are you talking about the settings when
4 you refer to the settings you are talking about the
12:56:10 5 privacy and app settings, correct?

6 A. In my example I was talking about the
7 privacy checkup tool.

8 Q. Okay. So in connection with the privacy

9 checkup tool. Facebook did research and conducted
12:56:29 10 the studies, correct?

11 MR. BLUME: Objection.

12 THE DEPONENT: I know that from my
13 conversation with Pratiti that there was research
14 into -- well now I would have to look at my notes
12:56:51 15 if that's okay.

16 Q. (By Mr. Ko) Yeah. Please -- please do
17 so. Again this bass a yes-or-no question. You
18 gave an example I'm just trying to clarify and
19 understand your response.

12:57:07 20 A. I don't agree with you that it was a yes
21 or no but that doesn't really matter.

22 So I just want to see if I have that.

23 MR. BLUME: Can you ask the question
24 again Dave just so we are -- so the record is
12:57:35 25 clear.

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****CONFIDENTIAL ROUGH DRAFT****

12:57:36 1 MR. KO: Yeah but I will want to wait
2 until she reviews what she needs to review so I
3 don't have to ask it again.

4 MR. BLUME: Fair enough.

12:57:45 5 THE DEPONENT: Okay I think I find the

6 example I did find the example that I was referring
7 to.

8 Q. (By Mr. Ko) This is a yes-or-no question
9 do you understand that?

12:57:54 10 A. I don't -- I don't remember your
11 question. This we need to precise here so if you
12 could repeat it.

13 Q. I'm about to ask a yes-or-no question.
14 Okay?

12:58:05 15 A. You can think it is and I can disagree
16 with it but go ahead.

17 Q. Yes or no, when you were describing
18 research studies that Facebook did were they in
19 connects with Facebook's privacy or app settings?

12:58:22 20 MR. BLUME: Objection.

21 THE DEPONENT: It was related to. But,
22 again, from my notes here, if helpful, because it's
23 on the topic that I think you are asking, which is
24 researchers will generally doing a study to test

12:58:40 25 any change a consent flow or study flow so yes

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****CONFIDENTIAL ROUGH DRAFT****

12:58:44 1 researchers are involved.

2 Q. (By Mr. Ko) Yes researchers are involved

3 to the extent well researchers are involved and
4 they conduct studies in connection with the privacy
12:58:55 5 and app settings, correct?

6 MR. BLUME: Objection for that example.

7 THE DEPONENT: They can be it all depends
8 on the nature and scope of the change I'm not
9 testifying -- involved in every single settings
12:59:08 10 change or text or wording. It's where appropriate
11 and depending on the catalyst for like because
12 again product team members will pull in researchers
13 decide they want to conduct research on their own
14 initiative. But there are times when researchers
12:59:23 15 are pulled in to review app and conduct studies
16 into app settings and privacy settings, yes.

17 Q. (By Mr. Ko) And Ms. Hendrix, this is
18 just, you know, you don't have take my advice for
19 you answer -- answer would like to answer.

12:59:39 20 This go a loose faster answer a yes or no
21 and you free to say no, you can say no?

22 MR. BLUME: She --

23 MR. KO: That's --

24 MR. BLUME: She clarify.

12:59:48 25 MR. KO: Let me finish let me finish

****CONFIDENTIAL ROUGH DRAFT****

12:59:50 1 Mr. Blume if your answer is no. That's fine. But
2 I'm just making a suggest to speed things up for
3 both of us. Otherwise we are going to be very I
4 hope this wasn't teak the long. But if you would
01:00:04 5 like to keep not answering yes or no questions.

6 MR. BLUME: Okay.

7 MR. KO: With yes or no either yes or no
8 you are free to do but I'm just making a suggestion
9 with that 1:00 o'clock I promised there--

01:00:17 10 MR. BLUME: I will make.

11 MR. KO: Go ahead.

12 MR. BLUME: Can make a suggestion the
13 fact is your questions are unclear and vague and
14 ambiguous these clarifying to record to make it
01:00:25 15 accurate it's not yes or no the way you want she's
16 made that clear. So I suggest my suggestion is if
17 you are question become more precise than perhaps
18 yes or no maybe appropriate -- is what causing her
19 to happen what the answers are.

01:00:41 20 MR. KO: I don't know how to get precise
21 than using the answers that provide Ms. Hendrix.
22 But it is 1:00 o'clock we should break for lunch as
23 I promised we would.

24 THE VIDEOGRAPHER: Okay. We are off the

01:00:54 25 record it's 1:00 o'clock p.m.

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****CONFIDENTIAL ROUGH DRAFT****

01:00:56 1 (Recess taken.)

2 THE VIDEOGRAPHER: All right. Everybody

3 we are back on the record it's 2:07 p.m.

4 Q. (By Mr. Ko) Ms. Hendrix, there was a

02:07:14 5 research org or team at Facebook, correct?

6 A. There are people -- research teams and

7 researchers on embedded within different product

8 teams at Facebook.

9 Q. And research teams and researchers

02:07:33 10 conducted studies, correct?

11 MR. BLUME: Objection.

12 THE DEPONENT: Yes, the researchers

13 conduct studies.

14 Q. (By Mr. Ko) Are you familiar with the

02:07:48 15 term UX or user experience?

16 A. Yes.

17 Q. These research team and researchers

18 conducted studies in compensation with either the

19 UX team or the user experience in general; is that

02:08:05 20 fair to say?

21 MR. BLUME: I'm sorry. What topic are we

22 on?

23 MR. KO: Topic 3B Rob.

24 Q. (By Mr. Ko) More importantly I'm

02:08:25 25 following on questions and more importantly and

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CONFIDENTIAL ROUGH DRAFT

02:08:27 1 answers that Ms. Hendrix gave with respect to

2 research that was done at Facebook.

3 Q. So let me again Ms. Hendrix were studies

4 by the user experience by the research teams and/or

02:08:45 5 researchers?

6 MR. BLUME: Objection.

7 THE DEPONENT: What do you mean by the

8 user experience?

9 Q. (By Mr. Ko) I asked a moment ago whether

02:08:57 10 or not you are familiar with term UX or user

11 experience, right?

12 A. I am I just am you are familiar with my

13 understanding.

14 Q. What is your understanding of the term UX

02:09:14 15 or user experience?

16 A. So it's generally a term that we have

17 used to describe a person and their experience

18 interacting with our services.

19 Q. Were study done by the research team or
02:09:30 20 researchers at Facebook in connection with a user
21 or person's experience interacting with Facebook
22 services?

23 MR. BLUME: Objection. Time frame.

24 THE DEPONENT: From the relevant period
02:09:50 25 to today, there are researchers that conduct into

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****CONFIDENTIAL ROUGH DRAFT****

02:09:57 1 users experiences using our services.

2 Q. (By Mr. Ko) And in connection with that
3 research is fair to say that certain studies were
4 done?

02:10:11 5 A. Well, that's what I just said.

6 Q. Okay. And these studies I believe you
7 had received to earlier this afternoon focus
8 groups.

9 Do you remember that?

02:10:27 10 A. There are certain research conducted
11 where the teams will like depending on the research
12 they might use a focus group.

13 Q. So some instances over the relevant time
14 period there were studies done that -- by the

02:10:49 15 research team or researchers at Facebook in which

16 they conducted or used or used a focus group in
17 connection with that study is that fair to say?

18 MR. BLUME: Objection. You just asked
19 that and she just answered that.

02:11:07 20 Q. (By Mr. Ko) You can answer.

21 A. Yes.

22 Q. Is it also fair to say that studies were
23 done in connection with the user experience as it
24 relates to privacy and app setting that a user to

02:11:24 25 utilize?

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CONFIDENTIAL ROUGH DRAFT

02:11:26 1 A. Yes.

2 Q. Thank you.

3 Before lunch I believe you had referred
4 to the privacy checkup tool.

02:11:42 5 Do you recall that?

6 A. I do.

7 Q. What is the privacy checkup tool?

8 A. It is an educational type of resource
9 tool used to ensure that people are oh wear of and

02:12:05 10 remind of their -- like and encourage them to check
11 the settings because if you join in Facebook in one
12 year you might get to older and change your

13 settings so it's the ability to check in people and
14 remind them of the settings that they have and give
02:12:23 15 them an opportunity to make any changes. They
16 always have that but that's -- the motivator.

17 Q. By settings you are referring to the
18 privacy and app settings, correct?

19 A. Right. The privacy and app settings.

02:12:42 20 Q. Do you recall when the privacy checkup
21 tool was rolled out?

22 A. I -- I will to check that in my notes. I
23 think I have this your notes.

24 Q. While you check your notes. Let me see
02:12:59 25 if this date rings a bell to you is it?

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****CONFIDENTIAL ROUGH DRAFT****

02:13:02 1 A. It's May 2014.

2 Q. Okay. Great.

3 So the privacy checkup tool was rolled
4 out by Facebook in May of 2014, correct?

02:13:17 5 MR. BLUME: Objection. Asked and
6 answered.

7 Q. (By Mr. Ko) Was there any aspect of the
8 privacy checkup tool that disclosed to the user
9 what third-party app developers could see or obtain

02:13:32 10 about a user?

11 A. I know that it let's people know what
12 apps they have and is educating on them to see if
13 they want them to still uninstall those apps or
14 keep the apps. The specifics I don't remember

02:13:52 15 sitting here right now.

16 Q. Do you recall any part of the privacy
17 checkup tool, which related to any disclosure by
18 Facebook whatsoever about what third-party app
19 developers could obtain from a particular user?

02:14:21 20 MR. BLUME: Objection.

21 THE DEPONENT: I'm not sure how granular
22 it got. But it's like at a -- up level our
23 practice is to point people and to different
24 settings pages and stuff within the context of

02:14:46 25 these tools that we have, but I don't remember

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****CONFIDENTIAL ROUGH DRAFT****

02:14:51 1 specifically the details for how it is evolved.

2 Q. (By Mr. Ko) And is the privacy checkup
3 tool when you say that it -- that it you believe
4 that it pointed users to different settings pages;

02:15:10 5 semiannually is your testimony that the privacy

6 checkup tool referred to and pointed to users

7 towards specifically the privacy and app settings?

8 A. I said that I don't remember, but I would

9 be surprised if in fact it did not. It told them

02:15:26 10 the scope of the information that they had shared

11 and the apps that -- that -- that they had

12 installed.

13 But I don't remember specifically. Again

14 I would be incredibly shocked given the way that we

02:15:41 15 have all these links to the different places people

16 can go to learn more if it did not, but that's all

17 that I can remember sitting here today.

18 Q. Do you recall whether or not there was a

19 reference in the privacy checkup tool to the SRRs?

02:16:03 20 MR. BLUME: Objection.

21 THE DEPONENT: I don't recall.

22 Q. (By Mr. Ko) Do you recall there was a

23 difference or reference in the privacy checkup tool

24 to the DUP?

02:16:14 25 MR. BLUME: Objection.

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****CONFIDENTIAL ROUGH DRAFT****

02:16:17 1 THE DEPONENT: I don't recall.

2 Q. (By Mr. Ko) With regard to the privacy?

3 A. But there's links to overall.

4 Q. With respect to the privacy checkup tool
02:16:29 5 that was enacted rolled out at Facebook in May of
6 2014, is that tool still available to you?

7 A. Yes.

8 Q. And that tool has been I assume available
9 to all Facebook users from maybe of 2014 to
02:16:45 10 present, correct?

11 A. I don't know that to be true I imagine it
12 would have rolled out in waves but I'm not sure.

13 Q. Well, what do you mean when it was rolled
14 out in waves?

02:17:05 15 A. Consist with other practices, we don't
16 just turn all users live. There's times where you
17 will maintain the current experience and then ship
18 any user experience changes we want to make and
19 then additional testing of how those changes that
02:17:28 20 we decided to make are -- are being utilized and
21 received, so the -- the research doesn't begin and
22 end at the initial launch. The -- the teams would
23 be monitoring the user experience to see if we
24 should roll out more broadly or before rolling out
02:17:49 25 more broadly make any adjustments based on the

02:17:53 1 initial wave. Some things are roll out all at
2 once. But some things are rolled out in waves for
3 like localization purposes.

4 Q. And with respect to the teams that would
02:18:11 5 be monitoring the user experience, what teams would
6 those be?

7 MR. BLUME: Objection.

8 THE DEPONENT: Likely, the -- largely the
9 product and engineering leader and potential
02:18:34 10 research teams it all depends on what change we are
11 making would factor in who would be paying most
12 attention but largely it would be the product and
13 where applicable research related teams.

14 Q. (By Mr. Ko) When you said it was consist
02:19:01 15 with other practices at Facebook to roll certain
16 products or programs out in waves, could you
17 characterize for the Court, to what extent it was
18 the general practice of Facebook to roll certain
19 programs out relative to as you said rolling things
02:19:26 20 out all at once?

21 MR. BLUME: Objection.

22 THE DEPONENT: What is copy of over
23 question.

24 Q. (By Mr. Ko) I'm just trying to get an
02:19:43 25 understanding and unpack your response. When I

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CONFIDENTIAL ROUGH DRAFT

02:19:45 1 asked about the privacy -- the privacy checkup tool
2 being rolled out in May of 2014, you said that it
3 was likely that it was rolled out in waves,
4 correct?

02:19:56 5 A. I -- I mean to say it could have been.
6 It could have also been rolled out all at once.

7 Q. So then since you don't know exactly what
8 happened with respect to the privacy checkup tool,
9 but you did say it was consist with other practices
02:20:11 10 at Facebook to roll things out in waves, correct?

11 A. So we announced the fact of the privacy
12 checkup in May. It starts rolling out in August so
13 just to be clearer on that point. I'm sorry.

14 I don't know if it was rolled out
02:20:29 15 specifically in waves.

16 Q. And let's set aside you made it clear you
17 don't recall specifically what happened with
18 respect to the privacy checkup tool. I'm not
19 focusing on the processor of your response in which
02:20:45 20 you said it was consist with other practices to
21 roll things out in waves.

22 Do you recall that testimony yes or no?

23 A. Yes, I recall having said that.

24 Q. And you also said and provided testimony

02:21:01 25 that sometimes Facebook rolled things out all at

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****CONFIDENTIAL ROUGH DRAFT****

02:21:05 1 once, correct?

2 MR. BLUME: Some objection.

3 THE DEPONENT: Correct.

4 Q. Can you give me an understanding if you

02:21:18 5 know it's fine if you don't if you know to what

6 extent it was the general practice of Facebook to

7 roll things out in waves or whether it was a

8 general practice of Facebook to roll things out all

9 at once?

02:21:29 10 MR. BLUME: Objection. Form.

11 THE DEPONENT: It all depends on what is

12 being launched if it's like a text change it will

13 be translated for the fact it's a global company so

14 we need to make sure the language is the right

02:21:44 15 language and that can take sometime. We also need

16 to test features. We want the experience to be

17 uniform across the global user experience. But we

18 also need to know whether what we've decided to

19 test because we -- we don't always want to proceed

02:22:00 20 with something. So we'll test in a given region
21 see how it's performing and decide whether to open
22 it up more broadly.

23 Q. (By Mr. Ko) So it's fair to say then
24 there wasn't one general practice with respect to
02:22:20 25 following certain programs out. I hear you to say

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****CONFIDENTIAL ROUGH DRAFT****

02:22:23 1 that sometimes it was rolled out in waves and
2 sometimes it was rolled at once. It just depends
3 is -- is that correct?

4 In other words there was no predominant
02:22:34 5 practice as -- as to those two methods in rolling
6 out a certain product, correct?

7 A. So to take a step back the teams that are
8 involved in the development or revisions to
9 features opportunities terms documents they will
02:22:51 10 collaborate on the launch plan. We have go to
11 market plans. And everyone will line up on what
12 is the right approach for the given thing that is
13 being updated and tested for example. So it's --
14 there's a process by which we make those decisions.

02:23:15 15 Q. Was there a predominant practice as to
16 how Facebook rolled certain parameters out?

17 MR. BLUME: Objection. Form.

18 THE DEPONENT: It all depends like I

19 said. So I have described the way that we approach

02:23:28 20 it. It's the process of the teams that are all

21 involved. In, you know, the announcement of the

22 launch using privacy checkup as an example there

23 will have been the teams that I referred to earlier

24 that will and line on -- on the content of that

02:23:45 25 announcement and those similar teams will align on

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02:23:48 1 the timing for launching. Those things. So it all

2 just again depends on which team is launching what

3 thing.

4 Q. (By Mr. Ko) So based on your response is

02:23:59 5 it fair so and would you agree with me that there

6 was not a predominant practice as to how Facebook

7 rolled certain programs out?

8 A. No.

9 Q. Okay. Which is because you are saying

02:24:12 10 that -- you claim that it all depends, right and

11 certain circumstances there -- there are situations

12 in which Facebook rolled things out in waves and in

13 certain circumstances there are situations in which

14 Facebook rolled things out all once. Did I
02:24:30 15 understand your testimony correctly?

16 A. I believe that's what I said. But like
17 for example, using the SRR and the data use policy,
18 you know, that's not an example of a wave that we
19 would do. It just all depends.

02:24:53 20 Q. Are you familiar --

21 A. There's always a process.

22 Q. Are you familiar with privacy short cuts?

23 A. Yes, I am.

24 Q. What -- what is privacy short cuts?

02:25:14 25 A. So that was launched in December of 2012

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****CONFIDENTIAL ROUGH DRAFT****

02:25:16 1 and it complements the privacy tour that users new
2 users go through in their -- in the user sign up
3 flow. And it -- it's right -- it's -- it's next to
4 the home button but it's just an ability to

02:25:41 5 complement that privacy tour and provide with more
6 information on the privacy settings.

7 Q. I'm sorry you said tour as in, TOUR?

8 A. Yes. We have a privacy tour for new
9 users.

02:25:57 10 Q. Okay. In connection with the privacy

11 tour and specifically with respect to the privacy
12 short cuts, do you recall whether there was any
13 reference or disclosure to the SRR?

14 A. I don't remember sitting here right now.

02:26:25 15 Q. Do you recall whether or not there was
16 any reference or disclosure in the privacy short
17 cuts that referred the user to the DUP?

18 A. I don't remember.

19 Q. Are the privacy short cuts so you said
02:26:50 20 they were rolled out in Facebook in December of
21 2012, right?

22 A. Yes, I said that.

23 Q. Are they still in existence today?

24 A. Yes, I -- yes they are.

02:27:13 25 Q. I believe it or not I have an exhibit for

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****CONFIDENTIAL ROUGH DRAFT****

02:27:15 1 you. We are going to put on a platform a copy of
2 what will be marked as exhibit 331.

3 (Exhibit 331 was marked for
4 identification by the court reporter and is
02:27:21 5 attached hereto.)

6 MR. KO: Just give it a moment and while
7 it magically arrives in your platform. The -- I

8 will note for the report that tab J is a

9 Bates-stamped FB-CA-MDL-00,005,751st.

02:28:16 10 Q. (By Mr. Ko) Let me know when you have a
11 copy of that?

12 A. I have it.

13 Q. Okay. Does this document look familiar
14 to you at all Ms. Hendrix?

02:28:47 15 A. Yeah, I think I have seen this before
16 not -- yes, it looks familiar.

17 Q. And by the way just for your benefit, you
18 can see portions of this exhibit that is -- that is
19 being screen shared as well, but it sounds like --

02:29:04 20 or it looks like you have a good handling on
21 looking at the document directly, so whatever you
22 choice.

23 So there's a reference in this document
24 and I'm looking at the second page the privacy

02:29:19 25 short cuts.

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****CONFIDENTIAL ROUGH DRAFT****

02:29:19 1 Do you see that?

2 A. I am there.

3 Q. Is fair to say given the description and
4 take a moment to read if you need is fair to say

02:29:35 5 that the privacy short cuts were designed to help
6 users get quicker access to Alaska seeing their
7 privacy settings and controls?

8 A. What did you say I am so sorry I was
9 reading.

02:29:53 10 Q. Is fair to say that the privacy short
11 cuts to help users to get quicker access to seeing
12 their privacy settings and controls?

13 A. I don't know if quick -- maybe quicker is
14 fair. It's just making -- it's just having that
02:30:13 15 short cut right next to the home button. So it
16 makes it like prominent every where they go.

17 Q. Let's do it that way because to you know
18 a short cut would mean quicker. But let's just use
19 your example as a short cut.

02:30:36 20 So is it fair to say that the privacy
21 short cuts were designed to help users access a
22 short cut to see their privacy settings and
23 controls?

24 A. I'm just struggling. So I don't know if
02:31:12 25 so some of their controls I guess.

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02:31:16 1 Q. Yeah, some of the controls I believe well

2 if you look at exhibit 331, there's a reference to
3 this post made by Sam Lessin who I assume you know.
4 But Sam Lessin describes in this post under privacy

02:31:31 5 short cuts that there is a way in which to access
6 key settings from the privacy short cut, correct?

7 A. Where -- where does he say.

8 Q. I'm looking at the third sentence that
9 begins now?

02:31:59 10 A. Yes, it says now to the settings go to
11 the tool who can contact me et cetera.

12 Q. And so the privacy short cuts were
13 designed to help users access key settings from the
14 privacy short cut tool bar, correct?

02:32:28 15 A. It's designed to improve a person's
16 access to their privacy settings and controls.

17 Q. And do you have any understanding -- and
18 when Mr. Lessin describes in this post that there
19 are certain key settings that a user can access, do
02:32:59 20 you have an understanding of what key settings
21 those are?

22 A. It would be the settings around who can
23 see my stuff, who can contact me and how do I stop
24 someone from bothering me.

02:33:19 25 Q. And there's an example of that down below

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****CONFIDENTIAL ROUGH DRAFT****

02:33:21 1 I know it's a little fuzzy do you see that many a
2 example which believe is the snapshot of the
3 privacy short cut tool and the three things you
4 just described?

02:33:32 5 A. Yes, I see this.

6 Q. So according to this post those were the
7 key settings that a user could access from the
8 privacy short cut tool, correct?

9 MR. BLUME: Objection. Asked and

02:33:42 10 answered.

11 THE DEPONENT: Well, they can access them
12 from many other places. This was just like an
13 improvement to the -- it -- it was a short cut, if
14 you will. Huh of what's happening.

02:34:01 15 MR. KO: Nothing has happened for me I
16 don't know if something has happened for you.

17 THE DEPONENT: We have a menu that popped
18 up on could

19 MR. BLUME: Keep going.

02:34:11 20 THE DEPONENT: You can keep going. Thank
21 you.

22 Q. (By Mr. Ko) Now you say it was an
23 improvement what do you mean by that?

24 A. Well, it was a short cut. So it's --

02:34:29 25 like users had the ability to access their controls

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****CONFIDENTIAL ROUGH DRAFT****

02:34:33 1 via multiple interfaces but this put the privacy

2 short cut on essentially every page on their

3 Facebook experience, so it -- it's an improvement

4 in the sense that it's right there instead of

02:34:49 5 having to navigate to the setting in another

6 method. This is just -- that's what I mean it's an

7 improvement.

8 Q. Because before the user had to navigate

9 through a separate set of pages to access this set

02:35:05 10 of controls, correct?

11 A. I -- you said pages but.

12 Q. Let me ask it this way. The post says at

13 the first sentence underneath privacy short cuts

14 "up until now if you wanted to change your privacy

02:35:28 15 and timeline controls on Facebook, you would need

16 to stop what you are going and navigate through a

17 separate set of pages"?

18 A. Okay, yes, it says that.

19 Q. Today we are announcing new short cuts

02:35:42 20 you can easily get to. Now for key settings, you

21 just go to the tool bar to help manage "who can see
22 my stuff" "who contact me" and "how do I stop
23 someone from bothering me" you can also access help
24 center content from these short cuts.

02:36:06 25 Did I read that correctly?

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****CONFIDENTIAL ROUGH DRAFT****

02:36:07 1 A. Yes.

2 Q. So the privacy short cuts were and
3 correct me if I'm wrong, is fair to say that the
4 privacy short cuts were designed to improve the way
02:36:20 5 in which users could access key privacy settings;
6 is that fair to say?

7 A. I mean I did use the word improve but it
8 also complements the existing resources that they
9 already had.

02:36:41 10 Q. So yes or no you can -- you can no if you
11 would like that's totally fine.

12 Yes or no is it fair to say that the
13 privacy short cuts were design to improve the way
14 in which users could access key privacy settings?

02:36:55 15 MR. BLUME: Objection.

16 THE DEPONENT: I mean I feel like we
17 just -- like I -- I do view as an improvement to

18 what was already -- it wasn't a change in the -- in
19 the controls that they had. But it was just
02:37:24 20 intended to be a -- a short cut on the Facebook
21 site to help people further navigate to the
22 controls that they had.
23 Q. (By Mr. Ko) Would that be a yes in
24 response to my question objection you are
02:37:44 25 characterizing it and she's explaining?

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02:37:48 1 MR. KO: So.
2 MR. BLUME: That's why I objection.
3 MR. KO: Yes or no, is it fair to say
4 that the privacy short cuts were designed to
02:37:54 5 improve the way in which use access key privacy
6 settings.
7 MR. BLUME: Objection she said she saw it
8 as an improvement. Asked and answered.
9 THE DEPONENT: I view it as an
02:38:10 10 improvement to --
11 Q. (By Mr. Ko) Thank you?
12 A. But not as an improvement to -- to the
13 controls themselves. But now you can actually get
14 there with that on every page that shows up on the

02:38:22 15 interface.

16 Q. Are there any studies or research done in
17 connection with this change?

18 MR. BLUME: Objection.

19 THE DEPONENT: I don't remember.

02:38:43 20 Q. (By Mr. Ko) One of the settings that you
21 can access on this drop down in the privacy short
22 cuts is a -- at the very top of the privacy short
23 cuts a reference to quote who can see my stuff end
24 quote.

02:38:56 25 Do you see that?

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02:39:01 1 A. Yes.

2 Q. Do you know whether the drop down
3 revealed -- well first of all, there is a drop down
4 based on that specific button, correct?

02:39:14 5 MR. BLUME: Objection. It's getting so
6 far beyond topic 3 that.

7 MR. KO: That's incredibly that you say
8 that Mr. Blume but your objection is noted.

9 MR. BLUME: Thank you. Incredible it has
02:39:28 10 nothing to do use users privacy or apps settings
11 this is a technological change. So it goes beyond

12 topic 3. It's incredible.

13 MR. KO: So the record is clear and I

14 want to make sure.

02:39:41 15 Q. (By Mr. Ko) So Ms. Hendrix you are here
16 to testify as to the process of developing privacy
17 or app settings or other controls made available to
18 users to prevent or limit their data or information
19 from being accessed?

02:39:56 20 MR. BLUME: And.

21 MR. KO: Hold on.

22 MR. BLUME: Technology.

23 MR. BLUME: Well no it's a legal

24 question. This technology doesn't go to any of

02:40:03 25 those points David. You have to understand it to

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****CONFIDENTIAL ROUGH DRAFT****

02:40:06 1 ask. But it doesn't -- what you just described is
2 not what we are talking about so it's way beyond
3 what you just described as the topic.

4 MR. KO: You can make an objection.

02:40:21 5 MR. BLUME: It's beyond the scope.

6 MR. KO: Do you have an objection.

7 MR. BLUME: It's beyond the scope.

8 Q. (By Mr. Ko) Ms. Hendrix you are here to

9 testify as to the process?

02:40:33 10 A. Let me SDK again. Ms. Hendrix consist
11 with topic 3, you are here to testify as to the
12 processes of developing or privacy or app settings
13 or other controls made available to users to
14 prevent or limit their data or information from
02:40:50 15 being accessed by third parties; is that correct.

16 A. Yes, but the privacy short cuts is not a
17 control and it's not an app or a privacy settings.

18 MR. BLUME: Exactly.

19 BY MR. KO:

02:41:06 20 Q. (By Mr. Ko) Great well this is very
21 helpful because my next question was you have
22 referred throughout this day about educational --
23 certain educational materials that you believe were
24 made available to users to help them control the
02:41:19 25 information that they make available.

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****CONFIDENTIAL ROUGH DRAFT****

02:41:22 1 Do you recall that testimony?

2 MR. BLUME: Objection. That's not her
3 testimony.

4 THE DEPONENT: I -- I refer to
02:41:34 5 educational resources are just additional

6 information and attempts to have people understand
7 the controls that we provide.

8 Q. (By Mr. Ko) And I believe one example
9 this is a how the privacy checkup tool came back
02:41:52 10 the privacy CHECK/CHECK up tool of the educational
11 resources Facebook provided, correct?

12 A. Right it's an educational resource that
13 tells people, you know, what current settings and
14 Ed indicate on the change their settings their
02:42:08 15 controls that they can do so.

16 Q. Would you characterize these privacy
17 short cuts to be under the same umbrella as or
18 under the same umbrella of educational resources
19 that you put the privacy checkup tool under?

02:42:26 20 A. These are -- those are different things
21 but it's all designed to just future explain the
22 controls and the settings that we have built. Like
23 there's multiple ways that if a user wants to
24 understand they can go to the controls themselves
02:42:44 25 and see what they have set. But these are

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****CONFIDENTIAL ROUGH DRAFT****

02:42:47 1 additional measures that we continue to evolve and
2 undertake in order to future educate and remind

3 people about decisions that they have made. Some
4 people have set up their Facebook accounts 18 plus
02:43:00 5 years ago.

6 So I wouldn't call them controls versus
7 educational resources reminding them of controls.

8 Q. And that was very much you educational re
9 ours only. One example of a educational resource I
02:43:17 10 gave privacy checkup tool my question whether or
11 not you believe the privacy short cut tool is also
12 a educational resource?

13 A. It is a -- it is a franchisee within the
14 Facebook experience that if you click on it, you
02:43:51 15 can -- and then go to that tool bar and get access
16 to those things that you already read. so I will
17 spare us and just helped point you to the decisions
18 that you made or for example the last sentence the
19 help center, so that you can -- if you have more
02:44:15 20 questions you can go to the help center as well.

21 Q. So is the privacy short cuts tool yes or
22 no an example have of an educational resource that
23 you were describing earlier today?

24 MR. BLUME: Objection. Asked and
02:44:34 25 answered.

****CONFIDENTIAL ROUGH DRAFT****

02:44:40 1 THE DEPONENT: It is a short cut to
2 resources that are available.

3 Q. (By Mr. Ko) So do you view it as part of
4 the -- so you -- you were the one who testified as
02:44:47 5 to educational resources, correct?

6 MR. BLUME: Objection. Asked and
7 answered.

8 THE DEPONENT: I -- I did say -- say
9 that.

02:44:58 10 Q. (By Mr. Ko) So I ever a very simple
11 question.

12 Do you believe when you are talking about
13 educational resources is the privacy short cut
14 tools part of the educational resources you had in
02:45:11 15 mind or is it not a part of the educational
16 resources that you had testified to earlier?

17 A. I view of it as being a part of in the
18 sense it provides the a short cut to the actual
19 resources to it would be under the umbrella of what
02:45:31 20 the features and functionalities that we offer to
21 help further education and/or remind people of the
22 actual settings and control that we have in place.

23 Q. Okay. We can put -- we can move on from
24 this exhibit.

02:45:56 25 Now in connection with the materials that

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****CONFIDENTIAL ROUGH DRAFT****

02:45:57 1 you reviewed in preparation for this deposition,
2 did you review any pleadings in connection with
3 this case?

4 A. What is a pleading?

02:46:16 5 Q. Are you familiar with the allegations in
6 this case related to friend sharing or the sharing
7 of friend data?

8 A. Yes so did you mean like the complaint?
9 Is that a pleading.

02:46:32 10 Q. Which have moved on from that is that's
11 okay.

12 What is your understanding of these
13 allegations that you are familiar with?

14 MR. BLUME: How is that a question

02:46:44 15 relevant to a corporate representative.

16 Q. In exposure capacity a corporate designee
17 December nail are you aware of this claims this
18 this case that relate to friend sharing?

19 MR. BLUME: She -- asked and answered you

02:47:00 20 already asked that question you are wasting time.

21 MR. KO: You are waist time by injecting

22 speaking objections into the record.

23 MR. BLUME: David you are asking the same

24 question in a row even.

02:47:12 25 MR. KO: I did not -- there was -- the

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02:47:14 1 record speaks.

2 MR. BLUME: Yes, it does.

3 MR. KO: -- also any ways please just

4 object and that's all.

02:47:22 5 Q. (By Mr. Ko) In exposure capacity

6 correspond December my aware of the claims in the

7 case related to friend sharing?

8 THE DEPONENT: I am here to talk about

9 the topics and part of that I have -- I have

02:47:36 10 researched friend sharing and -- and reminded

11 myself on things that I didn't know. Did I Zoom

12 zoom in on your actual complaints I didn't think

13 that was my job but I did do my research into the

14 topics.

02:47:54 15 Q. (By Mr. Ko) You are making a lot of

16 assumptions about the questions I'm I'm simply

17 asking you whether or not you aware yes or no I'm

18 not whether or not you researched I'm not granular

19 deep dive into all the allegations I'm not asking
02:48:08 20 if you all the ins and outs of the allegations I'm
21 simply asking you are you aware of the allegations
22 in this case related to friend sharing?

23 MR. BLUME: David, you asked 14 in this
24 case.

02:48:24 25 Q. (By Mr. Ko) I I can microphone are still

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****CONFIDENTIAL ROUGH DRAFT****

02:48:26 1 defined?

2 MR. BLUME: In 144618 she -- are you
3 familiar with the allegations in the case related
4 to friend sharing or the friend of sharing data she
02:48:35 5 said yes so it is exactly the same question and
6 it's just wasting time.

7 It's an asked and answered about 30
8 seconds ago.

9 MR. KO: I am asking you.

02:48:48 10 Q. (By Mr. Ko) In your capacity as a
11 corporate designee on behalf of Facebook to make
12 sure and address any of the objections that you
13 need to make Mr. Blume. Are you aware of these
14 claims in your capacity as a corporate designee on
02:49:04 15 behalf of Facebook?

16 MR. BLUME: Same objection.

17 THE DEPONENT: I'm here to prepare to

18 speak to the topics and if you want to get into

19 them I'm more than happy to speak to them. I know

02:49:14 20 that I have seen and had a chance to review the

21 complaint. I don't remember sitting here right now

22 your precise all of details and just generally

23 aware that. Global policy differential.

24 SPECIAL MASTER GARRIE: The question he's

02:49:31 25 asking is just yes or no or you don't know.

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02:49:33 1 THE DEPONENT: I feel like getting.

2 MR. BLUME: She's --

3 SPECIAL MASTER GARRIE: You if

4 understand -- if you don't please stop. Please

02:49:43 5 read the question Mr. Ko either you answer or no,

6 or I cannot answer that question in a yes or no

7 fashion. And let's move forward.

8 MR. KO: Thank you Special Master Garrie.

9 SPECIAL MASTER GARRIE: So please read

02:49:57 10 the question back Counsel Ko and then move forward.

11 Q. (By Mr. Ko) In your capacity -- in

12 hardware as corporate designee on behalf of

13 Facebook are you aware of the claims related to
14 friend sharing in this case?

02:50:15 15 MR. BLUME: Objection.

16 THE DEPONENT: I don't remember the
17 specific claims. I'm aware -- sorry. Sorry Garrie
18 [sic]. I know I said. I need to...

19 MR. KO: Great thank you that was very
02:50:33 20 helpful.

21 MR. BLUME: Twice.

22 Q. (By Mr. Ko) Do you know with respect to
23 friend sharing what is your understanding of that
24 term?

02:51:08 25 A. I don't remember if it's defined in any

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02:51:12 1 of this. But I can speak, if you would like me to
2 generally about friend sharing the topic.

3 Q. Yes, that's what I am asking many I'm --
4 I'm not asking about a specific definition. I'm
02:51:26 5 just simply asking whether or not you understand
6 what the concept of friend sharing refers to?

7 A. So the concept of friend sharing is you
8 create a Facebook account, you choose to friend
9 people, so you -- you create friend connections.

02:51:46 10 And those friends you choose whether to share
11 information with them and that's -- just for
12 purposes of time I will stop there.

13 Q. For some portion of the relevant time
14 period Facebook permitted third-party app
02:52:12 15 developers to access friend information; is that
16 correct?

17 MR. BLUME: Objection.

18 THE DEPONENT: You are trying to get do
19 yes or no I need to actually ask the question
02:52:33 20 again.

21 MR. BLUME: Open an ended open question
22 he's.

23 Q. (By Mr. Ko) Is it accurate to say that
24 for any portion of the relevant time period
02:52:43 25 Facebook permitted third-party app developers to

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****CONFIDENTIAL ROUGH DRAFT****

02:52:46 1 access friend information?

2 MR. BLUME: Objection.

3 THE DEPONENT: I wouldn't state it that
4 way.

02:52:58 5 Q. (By Mr. Ko) How would you state?

6 A. During the relevant time period for

7 certain portions of it, Facebook enabled people to
8 enable their friends to share certain information
9 with third-party apps.

02:53:14 10 Q. So for some portions of the relevant time
11 period, Facebook enabled people to enable their
12 friends to share certain information with
13 third-party apps, correct?

14 MR. BLUME: Objection. Asked and
02:53:30 15 answered you just read her answer.

16 THE DEPONENT:

17 Is that what I said?

18 THE DEPONENT: I that's what I said if
19 that's what I said correct otherwise let's just go
02:53:42 20 with what I said.

21 Q. (By Mr. Ko) I'm reading verbatim from
22 your answer to make you feel better. And are you
23 aware at all of what periods of time within that
24 relevant time period Facebook -- Facebook enabled
02:53:59 25 people to enable their friends to share certain

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****CONFIDENTIAL ROUGH DRAFT****

02:54:01 1 information with third-party apps?

2 A. That would be up until I -- I'm not
3 actually, I don't remember the precise date when

4 it -- when we got \everyone\enforcement one of
02:54:26 5 V1 so I -- I'm not sure of the precise date.

6 Q. And when you already peg to V1 I assume
7 you are referring to Graph version 1 -- 1.0, right?

8 A. That's right. Anyone that developed an
9 app after April of 2014, did not have the ability
02:54:47 10 to ask people to share their friends information
11 because their trends enabled them to do so through
12 their privacy app and app settings.

13 Q. And this Graph version 1 as also referred
14 to API version 1 does that sound familiar?

02:55:09 15 A. Yes.

16 Q. And it was replaced as you said in April
17 of 2014, with Graph version two or Graph API
18 version two; is that correct?

19 A. I wouldn't say replaced, no.

02:55:30 20 Q. How would you say it?

21 A. We -- we created another version of the
22 Graph -- Graph API so it's not accurate to say we
23 placed because version 1 and 2 were live or awhile
24 at the same time.

02:55:46 25 Q. And how long obviously rolls things

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CONFIDENTIAL ROUGH DRAFT

02:55:49 1 obviously it takes time to notify app developers.

2 How long was it the case that version 1.0
3 was still in existence?

4 A. I just testified moments ago that I don't
02:56:03 5 remember the precise date when that version was no
6 longer recorded.

7 A. But I do know that April 14th, 2014
8 anything -- any app created thereafter could not
9 have been built on V1 only v2.

02:56:21 10 Q. With respect to v2 your testimony that
11 app developers on v2 could no longer access certain
12 information about a user friend; is that fair to
13 say?

14 MR. BLUME: Objection. That was not her
02:56:47 15 testimony.

16 MR. KO: You can object.

17 MR. BLUME: Mischaracterize rising her
18 testimony.

19 MR. KO: Thank you.

02:57:05 20 Q. (By Mr. Ko) Can you answer the question
21 Ms. Hendrix?

22 A. I didn't understand what you asked me.

23 Q. You said in connection with Graph V.--
24 Graph v2 an app developer did not have the ability
02:57:23 25 to ask people to share their friends information.

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****CONFIDENTIAL ROUGH DRAFT****

02:57:28 1 Do I understand your testimony correctly?

2 A. To be very precise they could still ask
3 for the in app friend list, but no friend
4 permissions that were available in the v2 they --

02:57:42 5 there was no friend permissions in v2. You could
6 only ask for my inapp friend list.

7 Q. Other than the inapp friend list, in
8 connection with the Graph v2, there were no other
9 friend permissions allowed, correct?

02:58:02 10 A. Those were -- yes. They were deprecated.

11 Q. Now this change with respect to the v2 as
12 it applied to app developers and their ability to
13 access certain friend permissions, was that change
14 reflected in Facebook's platform policies with

02:58:35 15 third-party app developers?

16 A. What do you mean.

17 Q. This was a change correct you would agree
18 with me on that?

19 A. It was.

02:58:54 20 Q. Go ahead?

21 A. It was a product change.

22 Q. In connection with that product change

23 was that reflected in any policy platform policy?

24 MR. BLUME: Objection.

02:59:11 25 THE DEPONENT: I don't understand what

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CONFIDENTIAL ROUGH DRAFT

02:59:12 1 you mean.

2 Q. (By Mr. Ko) Was there a change in any
3 policy that reflected the fact that app developers
4 could no longer request friend permissions in Graph

02:59:31 5 V.2?

6 A. That's not a yes-or-no question. I'm
7 sorry if you ask it open-ended did you make changes
8 to the Facebook platform policies in connection
9 with the change V1 to v2 I can answer that and the

02:59:51 10 answer yes but your question doesn't make sense to
11 me.

12 Q. Let's start that way. So you made
13 changes to the Facebook platform policy in
14 connection with the change from V1 to V.2, correct?

03:00:04 15 A. Yes.

16 Q. And I imagine that those changes were in
17 fact made in the platform policy, the -- the?

18 A. I just.

19 Q. Policy -- let me finish my question?

03:00:16 20 A. I just said that.

21 MR. BLUME: Asked and answered.

22 Q. (By Mr. Ko) A large part of making sure
23 is the record is clear.

24 MR. BLUME: Just wasting time David.

03:00:29 25 Q. (By Mr. Ko) In connection with changes

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****CONFIDENTIAL ROUGH DRAFT****

03:00:31 1 made to the Facebook platform policy, there were --
2 well, I -- let me -- let me ask this way.

3 In connection with the change from V1 to
4 v2 there were certain changes made to the

03:00:48 5 platform -- Facebook platform policy, correct?

6 A. Correct.

7 Q. And was the change regarding third party
8 access to certain friend permissions reflected in
9 any of those changes in the Facebook platform

03:01:07 10 policy?

11 MR. BLUME: Objection. Form.

12 THE DEPONENT: No we don't detail the
13 products and how they work in the -- in the
14 agreement with developers.

03:01:22 15 Q. (By Mr. Ko) Would you agree with me that
16 was a big change for Facebook and its app

17 developers?

18 MR. BLUME: Objection.

19 THE DEPONENT: What do you mean by it.

03:01:32 20 THE DEPONENT: It referring to third
21 party app developers access to and lack thereof
22 certain friend permissions.

23 MR. BLUME: Objection.

24 THE DEPONENT: I agree it was a
03:01:49 25 significant way that the Facebook platform worked.

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****CONFIDENTIAL ROUGH DRAFT****

03:01:57 1 Q. (By Mr. Ko) And this was -- this was a
2 big deal for the app developers too, right?

3 MR. BLUME: Objection. It's beyond the
4 scope. Speculation.

03:02:12 5 THE DEPONENT: I'm not going -- yeah, I
6 can speculate whether it was a big deal at the time
7 43, 40 some million apps like each of these apps on
8 the platform will have experienced different
9 hurdles some of which that didn't need friend

03:02:27 10 permissions. Obviously that's not significant to
11 them. But others would have to go in and configure
12 their apps and make changes to adjust to the -- the
13 new way that the platform worked in v2.

14 Q. (By Mr. Ko) With respect to the
03:02:43 15 43 million or 40 some million apps that you -- you
16 referred to a moment ago is that the number of apps
17 that have existed throughout the relevant time
18 period or are you referring to some specific point
19 in time?

03:03:03 20 A. I'm referring to a specific period of
21 time as a data point. I'm familiar with -- of in
22 2013 roughly we had about 40 some -- in the lower
23 40 million apps on the platform.

24 Q. And do you know how many apps are on the
03:03:23 25 platform today?

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****CONFIDENTIAL ROUGH DRAFT****

03:03:23 1 MR. BLUME: Objection. Beyond the scope.
2 What topic is that?

3 MR. KO: \everyone\enforcement Mr. Blume.

4 MR. BLUME: Okay. What topic is that?

03:03:42 5 Q. (By Mr. Ko) So you found it necessary
6 and -- and relevant to understand how many apps
7 were on the Facebook platform as of 2013 and you
8 reported that that number is about 40 to 43 million
9 correct?

03:03:53 10 MR. BLUME: Objection.

11 THE DEPONENT: Not for this case. No.

12 Q. (By Mr. Ko) Got it.

13 Do you have an understanding of how many

14 apps were on the Facebook platform at at any time

03:04:05 15 other than 2013 sitting here today?

16 MR. BLUME: Objection. Beyond the scope.

17 THE DEPONENT: I know that I have

18 reviewed and been provided with information

19 throughout -- for different reasons some of which

03:04:17 20 have nothing to do with litigation that I had

21 numbers presented to me. I know I can find how

22 many are on the platform today. I don't know

23 sitting here today if I can tell you more than just

24 that one example that I remember.

03:04:36 25 Q. (By Mr. Ko) Was there any policy,

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****CONFIDENTIAL ROUGH DRAFT****

03:04:38 1 platform policy or otherwise that reflected the

2 fact that third-party app developers could no

3 longer access certain friend permissions in

4 connection with Graph v2?

03:04:52 5 MR. BLUME: Objection.

6 THE DEPONENT: For like the fourth time I

7 apologize I'm getting tired and grumpy like I

8 already told me I did make a policy change

9 personally developed along with all of the other

03:05:03 10 teams that work on and develop the policies. We

11 did make a policy change in connection with the

12 Facebook platform change from V1 to v2.

13 Q. (By Mr. Ko) And in connection with that

14 policy change was there anything -- was there any

03:05:20 15 language that related to or otherwise covered the

16 fact that third-party app developers were no longer

17 accessing friend data or friend permissions?

18 MR. BLUME: Objection. Asked and

19 answered.

03:05:36 20 THE DEPONENT: Not in the specific

21 Facebook platform policy document, right right but

22 else you go let's say friend permissions page on

23 the developer documentation site. You might see a

24 V1 to v2 leader on the top explaining the fact that

03:05:53 25 we announced change and linking to the

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****CONFIDENTIAL ROUGH DRAFT****

03:05:56 1 announcement. But, again, I'm -- I am trying not

2 to -- I should stop trying to help you with my

3 questions what I'm giving myself feedback on. But

4 there you go.

03:06:11 5 Q. (By Mr. Ko) So after this change was
6 made with respected to third-party app developer
7 access over friend permissions and friend data, you
8 don't dispute that third parties continue to access
9 this?

03:06:29 10 MR. BLUME: Objection.

11 Q. (By Mr. Ko) Information correct?

12 MR. BLUME: Objection to the
13 characterization inconsistent with her testimony.

14 THE DEPONENT: I -- I dispute what you
03:06:37 15 just said.

16 Q. (By Mr. Ko) Okay. So you deny or is it
17 your testimony that after app of 2014 third-party
18 app developers no longer obtained information about
19 a user's friend?

03:06:57 20 MR. BLUME: Objection. What -- how is
21 monitor contractual times.

22 Ask about the contracting terms but other
23 than it's beyond the scope I will instruct her not
24 to answer.

03:07:08 25 MR. KO: Can you please stop with the

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****CONFIDENTIAL ROUGH DRAFT****

03:07:09 1 speaking objections.

2 MR. BLUME: I'm -- I'm giving her
3 instruction David she has to understand my
4 instruction. Okay.

03:07:16 5 MR. KO: Correct.

6 MR. BLUME: Object know objecting to
7 object to the form.

8 MR. BLUME: Enter vice president they can
9 take down what I'm saying.

03:07:21 10 THE DEPONENT: My instruction is beyond
11 the scope and I'm instruct not her to answer.

12 MR. KO: Special Master clear in the
13 Northern district of California that counsel
14 defending a deposition are not permitted to log

03:07:37 15 speaking objections on the record. If Mr.

16 MR. BLUME: Unless it's instruct.

17 MR. KO: Has a problem.

18 MR. BLUME: Unless it's an instruction to
19 the witness.

03:07:45 20 SPECIAL MASTER GARRIE: Wait, wait ate.

21 MR. KO: Not clear.

22 MS. WEAVER: Time out just not talking
23 doesn't mean it's invitation to speak this means
24 I'm thinking what I'm going to say.

03:08:02 25 I believe Counsel Blume you are

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****CONFIDENTIAL ROUGH DRAFT****

03:08:04 1 instructing her not answer is that beyond the scope
2 is that not your instruction.

3 MR. BLUME: That what I was articulating
4 yes.

03:08:13 5 SPECIAL MASTER GARRIE: Okay. Can you
6 lane in so I hear the objections better just for
7 own edification.

8 MR. BLUME: Yeah, eliminated to
9 microphone to try to stop the feedback, yes.

03:08:23 10 SPECIAL MASTER GARRIE: Okay. I'm
11 going -- okay. So that objection is fine. The
12 objections going forward please finish the
13 objection and just state the objection HearSay
14 whatever everybody here knows the federal rules
03:08:38 15 some state transitioned objection. And we'll move
16 it forward if your instruction though is to
17 instruct the witness your answer not to answer the
18 question because it's beyond the scope because of
19 attorney-client privileged you are well within your

03:08:49 20 rights to make said instruction. I noted
21 Counsel Ko for the record, please Counsel Blume on
22 a going forward basis make sure you continue with
23 your objections being compliance and in compliance

24 with federal rules and we continue forward.

03:09:06 25 Counsel Ko, but I want to just say

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****CONFIDENTIAL ROUGH DRAFT****

03:09:11 1 Counsel Blume just not to answer the whole reason
2 why isn't -- I instruct the witness not the answer
3 because it's beyond the scope of the -- beyond the
4 scope. Okay.

03:09:22 5 MR. BLUME: Understood. Is there good
6 time to take a break.

7 MR. KO: To be clear why don't we go off
8 the record.

9 SPECIAL MASTER GARRIE: One second

03:09:28 10 Counsel Ko I welcome your comment in 30 seconds.

11 MR. KO: Okay.

12 SPECIAL MASTER GARRIE: I finished

13 Counsel Blume I had one more sentence unrelated

14 to -- I was going to suggest if we at a breaking

03:09:46 15 point given that we take a break after I hear from

16 Counsel Ko's point and then Counsel Ko I welcome

17 your point now.

18 MR. KO: So the instruction not to answer

19 has to relate to a privilege. It is improper to

03:10:04 20 instruct an answer or instruct the a witness not to

21 answer on the grounds that it's entity. Mr. Blume
22 can log his objection for the record an it's noted
23 but -- but the witness must try and answer the
24 question. It's not privileged. This is not
03:10:18 25 privileged information.

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****CONFIDENTIAL ROUGH DRAFT****

03:10:21 1 SPECIAL MASTER GARRIE: Counsel. Direct
2 your arguments to not each other please. That
3 doesn't -- noted Counsel Ko doesn't means not
4 entitled to state his objection and state
03:10:35 5 instructioning his client not to answer. His
6 client can say, I'm not going to answer a
7 question -- per the direction of counsel and then
8 you can then respond to according B but we have to
9 let the process play out in the -- in that fashion
03:10:49 10 and we will address it accordingly.

11 Counsel Blume what were going to say.

12 MR. BLUME: That -- that -- that doesn't
13 apply in the 30(b)(6) setting when the witness
14 called to per notice to peak.

03:11:02 15 MS. WEAVER: I haven't ruled wait time.

16 MR. BLUME: Counsel blew.

17 MR. BLUME: I'm respond to privilege.

18 MS. WEAVER: I understand --

19 Counsel Blume unintentional I didn't address.

03:11:12 20 MR. BLUME: Okay.

21 SPECIAL MASTER GARRIE: It's not here and
22 now.

23 MR. BLUME: Fair enough.

24 SPECIAL MASTER GARRIE: If your
03:11:17 25 instruction is as such than and counsel co how

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****CONFIDENTIAL ROUGH DRAFT****

03:11:21 1 about this this what I understand your point
2 counsel do we ask the return when return from five
3 minute we ask Counsel Blume wants to instruct the
4 witness not to answer the question and counsel --
03:11:34 5 and the witness wants to respond and then you ban
6 to point out that that's not a valid objection
7 united the central rules and then Counsel Blume
8 wanted to respond to 30(b)(6) I get to make a
9 ruling great what were going to take a 35 minute
03:11:48 10 break and we'll resume in five minutes and I know
11 note that I appreciate you know co your position.
12 And counsel column as well okay.

13 MR. BLUME: Thank you Your Honor.

14 SPECIAL MASTER GARRIE: Thank you we'll

03:12:02 15 return at five minutes I'm look agriculture the
16 Zoom time five minutes whatever time zone you are
17 in.

18 THE VIDEOGRAPHER: We off the record at
19 3:12 p.m.

03:20:03 20 (Recess taken.)

21 THE VIDEOGRAPHER: Okay. We are back on
22 the record it's 3:24 p.m.

23 SPECIAL MASTER GARRIE: I was giving some
24 thought to a -- our provider discourse and I just

03:24:39 25 wanted.

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****CONFIDENTIAL ROUGH DRAFT****

03:24:40 1 THE DEPONENT: Two important things one
2 let's make sure we are on the same let's being
3 let's respect actual let everybody gets words in
4 part so the court reporter doesn't have to go back
03:24:51 5 and listen to this whole thing. Pain staking it to
6 transcript it properly.

7 Next same for the objections. Let -- let
8 them get said. But keep them limited to the
9 federal -- just to the rules. Right. And -- and
03:25:09 10 from there I will turn it -- I believe to
11 Counsel Blume you mentioned that the witness you

12 are muted I can figure out who is speaking continue
13 Zoom. So if you wanted to say anything
14 Counsel Blume.

03:25:25 15 MR. BLUME: Yes yes the witness has a
16 clarification.

17 SPECIAL MASTER GARRIE: Okay.

18 THE DEPONENT: May I go ahead.

19 SPECIAL MASTER GARRIE: Yeah.

03:25:32 20 THE DEPONENT: So I want to correct my
21 earlier testimony about the fact there was a
22 platform policy change in connection with the move
23 from the -- the -- the launch of v2. Actually we
24 also in April on the same date announced the update
03:25:54 25 to login V4 and so the policy that I was referring

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****CONFIDENTIAL ROUGH DRAFT****

03:25:58 1 to was tied to the V4 login product. But it
2 happened at the same time as the announcement of
3 the v2 version of the Graph API so I just wanted to
4 make sure I corrected myself. Because I was
03:26:13 5 mistaken on how I communicated that and realized
6 during the break.

7 Q. (By Special Master Garrie:) Noted for
8 the record.

9 With that said, Counsel Ko I'm going to.

03:26:24 10 Thank you for clarification and co-counsel I turn
11 it back over to you.

12 Q. (By Mr. Ko) Thank you
13 Special Master Garrie and thank you Ms. Hendrix for
14 that clarification.

03:26:36 15 Q. (By Mr. Ko) So let me up pack that a
16 little bit to make sure I understand.

17 With that clarification are you
18 suggesting or indicating that there was not a
19 platform policy change in connection with the
03:26:50 20 launch of v2?

21 A. Not tied to the V1 to v2, that is
22 correct.

23 Q. So when Facebook began the roll out of
24 Graph V.-- Graph v2 in April of 2014 there was not
03:27:17 25 a corresponding platform policy change that

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****CONFIDENTIAL ROUGH DRAFT****

03:27:21 1 reflected the launch of Graph v2; is that correct?

2 A. There's a few inaccuracy sees in your
3 question and how we described the -- the V1 to v2.

4 Q. Let me ask it this way, in the transition
03:27:51 5 from Graph V1 to v2 that began in April of 2014,

6 was there any reference, to any -- to any aspect of
7 the platform policy that reflected the move by
8 Facebook to Graph v2?

9 A. No.

03:28:23 10 Q. Now in connection with the deprecation
11 of -- by Facebook of allowing third parties to
12 access friend information, was that deprecation
13 reflected in any SRR in 2014 or otherwise?

14 MR. BLUME: Objection. Form.

03:28:58 15 THE DEPONENT: Yes as to otherwise.
16 Because we are talking about 2007 all the way to
17 today.

18 Q. (By Mr. Ko) So the deprecation of friend
19 sharing by Facebook was reflected in SRRs post 2014
03:29:19 20 I presume; is that your testimony?

21 MR. BLUME: Objection.

22 THE DEPONENT: No, that's not my
23 testimony.

24 Q. (By Mr. Ko) Okay. Was -- was there any
03:29:31 25 SRR at any point in time over the relevant time

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****CONFIDENTIAL ROUGH DRAFT****

03:29:34 1 period that reflected the deprecation of friend
2 data?

3 A. Friend permissions and yes at some point
4 in time when it was appropriate we did make changes
03:29:57 5 to the relevant terms and policies.

6 Q. And when was that?

7 A. I don't recall the precise date today but
8 it would have been when V1 was no longer relevant
9 improper to delete those disclosure to people who
03:30:19 10 were using apps that were still using version 1 of
11 the platform.

12 Q. And while you don't recall the precise
13 date do you have a general understanding of what
14 time period were referring to is it is it sometime
03:30:35 15 after 2014 so is there a general time frame in
16 which you understand that these changes were made
17 in the SRR?

18 A. It would have been after the May 2015
19 date by the precise timing thereafter I don't
03:31:04 20 remember sitting here today.

21 Q. What's the significance of May 2015?

22 A. Well developers when we announced that we
23 were deprecating friend permissions and that's
24 why -- sorry I will stop. When were deprecating
03:31:26 25 friend permissions we gave them -- we announced

****CONFIDENTIAL ROUGH DRAFT****

03:31:29 1 they had a subject to breaking change policy
2 decision to give them a year to transvision and
3 configure their apps and build them on v2.

4 Q. And where -- when you say that quote we
03:31:45 5 announced educational ."

6 What do you mean by that?

7 A. We told -- we announced at F8 or
8 developer event to developers that we were changing
9 the way that the -- the platform worked

03:32:03 10 specifically moving forward from V1 to v2 and that
11 they had one year up to -- up -- to make those
12 changes to move from V1 over to v2.

13 MR. BLUME: That announcement at the F8
14 conference that you are referring to that was made
03:32:21 15 in 2014, correct.

16 THE DEPONENT: Yes and there were many
17 other like public like news rooms policy issues
18 posts and things limited to response to just the F8
19 developer event but that was one of -- of the -- of
03:32:35 20 the announcement that I recalled.

21 Q. (By Mr. Ko) So who you are saying
22 May 2015 are you saying as of May 2015 Facebook
23 gave one year to developers to conform to the new
24 model or are you saying that by May 2015 all users

03:32:57 25 were expected to comply with the new -- with the

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****CONFIDENTIAL ROUGH DRAFT****

03:33:01 1 deprecation of friend data?

2 MR. BLUME: Objection.

3 THE DEPONENT: The terms you have used
4 don't make sense.

03:33:11 5 Q. (By Mr. Ko) You testified that that
6 Facebook announced would give developers one year
7 to comply.

8 Do you recall that?

9 A. It's not compliance so no, I don't think
03:33:25 10 I said the word comply if I did maybe -- maybe I'm
11 getting tired. I don't think I would have said
12 that.

13 Q. I believe I think you said changes.
14 Facebook that they would give developers one year
03:33:40 15 to make the changes to move from V1 over to v2 when
16 did they make that announcement?

17 A. The announcement was made in April 2014
18 so the extent the developers wanted to continue to
19 use the platform and off their apps to people they
03:34:01 20 would need to make the changes by a year from the
21 date of the announcement.

22 Q. So when you are referring to pay of 2015
23 it was Facebook's intention that all developers
24 would have made the changes to move from V1 over to
03:34:21 25 v2, correct?

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****CONFIDENTIAL ROUGH DRAFT****

03:34:26 1 MR. BLUME: Objection. Form.
2 THE DEPONENT: The goal was to get the
3 developer community to move over. The 90
4 daybreaking change policy normal we agreed to come
03:34:40 5 arbitrary date of one year CHECK/CHECK.

6 Q. (By Mr. Ko) And when you say that
7 quote we agreed of an arbitrary date of one year ",
8 what departments or individuals were responsible
9 for that decision?

03:34:59 10 MR. BLUME: Objection. Beyond the scope.
11 THE DEPONENT: The same group of teams
12 that I referred to earlier today that worked on
13 platform product and policies.

14 Q. (By Mr. Ko) Now after May of 2015
03:35:19 15 certain third parties continued to access friend
16 data, correct?

17 MR. BLUME: Objection. Beyond the scope
18 unless you tell me what topic I'm going to instruct

19 you not to answer.

03:35:31 20 THE DEPONENT: Yeah, it's fundamentally
21 related Rob to topic 3 including top 3C.

22 MR. BLUME: And --

23 MR. KO: Let me ask this Ms.

24 MR. BLUME: Aim happy to talk off the
03:35:45 25 record don't pace.

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CONFIDENTIAL ROUGH DRAFT

03:35:47 1 MR. KO: I want to make this --

2 MR. BLUME: Let finish.

3 MR. KO: I want to.

4 MR. BLUME: Happy to go off the record.

03:35:55 5 SPECIAL MASTER GARRIE: Hold on.

6 MR. BLUME: We are still on the record

7 you still talking over each other the

8 court reporter can't take anything. So

9 Counsel Blume make your statement Counsel Ko make

03:36:04 10 your statement. You objected. You objected Blume

11 saying beyond the scope. Unless he can counsel can

12 provide you the -- the indication of why -- what is

13 within the scope of what this witness has been

14 submitted to.

03:36:22 15 Counsel Ko do you find I believe you did.

16 MR. BLUME: He did.

17 MR. KO: Yeah, I identified topic 3 and
18 3C in particular.

19 SPECIAL MASTER GARRIE: Okay and counsel
03:36:32 20 Counsel Blume did you respond to that.

21 MR. BLUME: I did. And -- and my -- well
22 I didn't but my response was that as it topic 3 is
23 overview of processes of developing privacy or app
24 settings or other controls available to users to
03:36:51 25 prevent or limit their data from being accessed by

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****CONFIDENTIAL ROUGH DRAFT****

03:36:55 1 third parties including dates and the data so it's
2 controls it's processing for developing controls
3 available to users and C is including Facebook's
4 monitoring enforcement of contractual threshold use

03:37:10 5 user data or information including
6 \everyone\enforcement or policy relating access to
7 such data for information beyond the use case and
8 the question was certain third parties continue to
9 access friend data which is beyond the processes of
03:37:25 10 developing apps privacy or app settings made
11 available to users.

12 SPECIAL MASTER GARRIE: And Counsel Ko

13 what was your response.

14 MR. KO: My response is that Facebook's

03:37:47 15 monitoring and enforcement of its contractual terms

16 with third parties regarding their use -- use of

17 users data or information obviously includes a

18 users information related to a users friend and

19 also includes information related to friend sharing

03:38:12 20 of which Ms. Hendrix who clearly testified defense

21 provide indicated 2014 with a one year grace

22 period.

23 So in order for us to understand how

24 Facebook actually monitored and enforced this

03:38:27 25 purported detriment indication I'm certainly

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****CONFIDENTIAL ROUGH DRAFT****

03:38:29 1 allowed to ask this witness about that monitoring

2 and enforcement and if I would note if Ms. Hendrix

3 is not the appropriate witness and Mr. Blume has

4 not prepared Ms. Hendrix to testify as to these

03:38:43 5 topics, we would request that Facebook provide a

6 witness that can.

7 MR. BLUME: And there is a witness on

8 third party data and -- and -- and in topic two

9 Ms. Hendrix is here to speak about processes for

03:39:02 10 monitoring enforcement. Not -- not any specificity
11 with regard to whether third parties accessed
12 friend data that's another topic noticed. He's
13 here to talk about the processes of developing
14 controls focused on Mondayen fort men not the
03:39:19 15 actual acts of the third parties in a specific date
16 and time.

17 Q. (By Mr. Ko) Well Mr. Blume I'm so glad
18 you referred to topic two?

19 SPECIAL MASTER GARRIE: Counsel Ko, what
03:39:30 20 was your response Counsel Ko.

21 MR. KO: I was saying I'm glad Mr. Blume
22 referenced topic 2B and 2D which Ms. Hendrix
23 testified to as being related to topic 2D in
24 particular 2D in particular asks and request
03:39:49 25 Facebook to provide a witness to identify the

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****CONFIDENTIAL ROUGH DRAFT****

03:39:52 1 category and type of data or information which
2 Facebook stoled made available including how as 2D
3 indicates has Facebook insured use of such data or
4 information was limited to to use case.

03:40:09 5 SPECIAL MASTER GARRIE: Okay. Is that
6 Ms. Hendrix or not.

7 MR. KO: That's what I want to know.

8 MR. BLUME: Yes it's.

9 SPECIAL MASTER GARRIE: No, no one second

03:40:16 10 I'm asking the questions now. So Counsel Blume.

11 MR. BLUME: Yes.

12 SPECIAL MASTER GARRIE: Just my collar

13 fission submitted as a witness 30(b)(6) witness on

14 2E.

03:40:28 15 MR. BLUME: How Facebook insured third

16 parties use such data. It's -- it is the policies

17 and procedures that allow Facebook to monitor third

18 parties use of data. The question was, the

19 question "now after May of 2015, certain third

03:40:43 20 parties continue to access friend data. That

21 doesn't go to Facebook policies or procedures or

22 processes that were developed in order to monitor

23 third parties over between 2007 and and present.

24 It goes to what were the actions of third parties

03:40:57 25 in May of 2015. That is beyond the scope of 2D it

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****CONFIDENTIAL ROUGH DRAFT****

03:41:01 1 is beyond the scope the topic 3. If they wanted to

2 ask or create a topic that said, identify all third

3 party applications that continue to access friend

4 data or use friend data at any time. They could
03:41:14 5 have it's not how they worded their topics. Ms. --
6 Ms. Hendrix is -- is -- is focuseses on policies
7 and procedures she's been going it her whole career
8 happy and policies and procedures for Monday torque
9 the -- the acts and accesses of -- of third party
03:41:35 10 and how Facebook insured that -- that the use of
11 data was limited to the use case.

12 That is the agreements of the developers,
13 policy and procedures not.

14 SPECIAL MASTER GARRIE: I got it.

03:41:48 15 MR. BLUME: Not actually --

16 SPECIAL MASTER GARRIE: I understand. I
17 understand Facebook's position Counsel Ko.

18 MR. KO: Two responses

19 Special Master Garrie one it is divorced from
03:42:01 20 reality if one can only testify as to the policies
21 and procedures and not the facts for which those
22 policies and procedures can be applied. So my
23 question with respect to whether or not third
24 parties continue to access information about a
03:42:18 25 friend or users a friend obviously relates to the

03:42:22 1 policies the ultimate policies and procedures that
2 Facebook applied. Such that Ms. Hendrix as
3 Mr. Blume is indicating has spent her life
4 enforcing certain policies and procedures that
03:42:34 5 relate to the monitoring \everyone\enforcement of
6 user information.

7 Secondly, and more practical point is as
8 follows: Ms. Hendrix is the one that described in
9 response to one of my questions her knowledge of
03:42:51 10 friend deprecation and so I am perfectly entitled
11 to store her knowledge of friend deprecation to
12 which is exactly what I'm doing she seems to be
13 fully aware of several aspects of friend
14 deprecation key claim in this case and so of
03:43:09 15 course.

16 SPECIAL MASTER GARRIE: I got.

17 MR. KO: I am able to ask questions about
18 that.

19 SPECIAL MASTER GARRIE: Okay. So just so
03:43:18 20 I understand Counsel Blume did you instruct her not
21 to answer just I can scroll back up to see what.

22 MR. BLUME: Yes.

23 THE DEPONENT: I'm not -- I'm not -- they
24 will have Ms. Hendrix in her personal capacity and
03:43:32 25 he's free to ask what she knows. But as a

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CONFIDENTIAL ROUGH DRAFT

03:43:35 1 corporate representative she -- she is prepared to
2 talk about topics relating to the processes and
3 procedures not with regard to the actions and
4 specific third parties.

03:43:46 5 SPECIAL MASTER GARRIE: I understand.

6 MR. BLUME: So I am not -- I'm
7 instructing at her this point not to answer this
8 question she's not prepared to speak to it today
9 and it's not because because it's not covered by
03:43:57 10 her topics. Maybe if I add one thing
11 Special Master Garrie there may be helpful. The --
12 the under come pulling Facebook provided Aaron
13 reports ton of material as you know on audience
14 network which was a review of this very question

03:44:48 15 which now they have. That is not a topic and
16 because -- that was focused on in review whether or
17 not the very question that -- that -- that Mr. Ko
18 asked, which is did third parties continue to
19 access friend data after the deprecation and
03:45:03 20 accountability so it's just one of the --

21 MS. WEAVER: Can I ask one question.

22 SPECIAL MASTER GARRIE: No one defended

23 one take I apologize counsel is that the witness I
24 can't see people are muted one take one defended I
03:45:17 25 apologize counsel weaver that's the standard here.

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****CONFIDENTIAL ROUGH DRAFT****

03:45:24 1 So I don't believe she's prepared. The
2 witness is prepared to answer your question
3 Counsel Ko at this point in capacity as a 30(b)(6)
4 witness on behalf of the company she's here.

03:45:44 5 MR. KO: And I.

6 SPECIAL MASTER GARRIE: And I understand
7 your position and -- I note it and I understand it.
8 We haven't heard if she will answer or not so
9 before we advance further down the path. H

03:46:01 10 Ms. Hendrix, I have to -- if I look like I'm
11 looking a way I have two monitors I'm just trying
12 to read the prior testimony on that to see if you
13 actually what your answer was.

14 Okay. Before.

03:46:34 15 MR. KO: The question was at 335
16 Special Master Garrie after May of 2015 certain
17 third parties continue to access friend data,
18 correct.

19 SPECIAL MASTER GARRIE: Well, in the

03:47:07 20 offhand Ms. Hendrix do you want -- are you -- you
21 have been instructed by your lawyer,, are you going
22 to answer the question.

23 THE DEPONENT: I thought I said earlier I
24 don't remember the precise, I don't remember the
03:47:22 25 precise date I think it's actually referred to in

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****CONFIDENTIAL ROUGH DRAFT****

03:47:25 1 the FTC order to point to a public, you know,
2 document, but I don't remember. I just know and I
3 also would like to for the record, I never said
4 grace period we don't refer to our breaking changes
03:47:36 5 as grace periods.

6 So I like to correct that. And I haven't
7 been doing this also my entire life. I would like
8 to correct. I only been going this since I joined
9 in October of 2008.

03:47:49 10 But all of the relevant disclosures and
11 privacy settings that needed to be in place were --
12 I can testify with 100 percent that they stayed in
13 place and changes were made once we were certain no
14 longer friend information or friend permissions
03:48:06 15 were being made available to third-party apps.

16 Q. (By Special Master Garrie:) That's

17 sufficient. Counsel Ko next question?

18 THE DEPONENT: Thank you.

19 Q. (By Mr. Ko) Okay. With respect to topic

03:48:21 20 2D Ms. Hendrix, are you prepared to testify on that

21 topic as it relates to friend sharing and the

22 defense pre indication of friend sharing in

23 connection with Graph v2?

24 A. I believe I am.

03:48:48 25 Q. Great.

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****CONFIDENTIAL ROUGH DRAFT****

03:48:49 1 So since you are prepared to testify on

2 that top are you a bear of any third parties to

3 access friend data following the deprecation of --

4 of friend sharing in connection with Graph V1?

03:49:03 5 MR. BLUME: Objection. Same objection D

6 is how Facebook insured third party was limited to

7 the use case which is policy and for

8 \everyone\enforcement of policies and procedures.

9 MR. KO: Is there anything Mr. Blume in

03:49:17 10 topic two that refers to policy and procedures I

11 don't know why you keep raising that.

12 MR. BLUME: It relates to the category --

13 identifying of the identification of data or

14 information to which Facebook sold which it didn't
03:49:29 15 as she testified. Made accessible or made
16 available or allowed. So it's not what actually
17 occurred. What the third parties specifically did.
18 But the type of data including D our
19 Facebook insured that the use of that data was
03:49:44 20 limited to the use case, which is
21 \everyone\enforcement mechanisms behind the
22 policies it's not which thirds what third parties
23 were doing when.

24 MR. KO: Now I am going to request
03:49:57 25 Special Master Garrie that we go off the record

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****CONFIDENTIAL ROUGH DRAFT****

03:49:59 1 because we have been talking about this point for
2 15 minutes and I have a suggest as to move forward.

3 SPECIAL MASTER GARRIE: Okay. We can go
4 over the record we'll go back on the record I'm
03:50:12 5 going to rule.

6 MR. KO: Yup thank you the we do this way
7 Special Master Garrie if -- if sorry.

8 THE VIDEOGRAPHER: You guys want to go
9 off the just to be sure.

03:50:30 10 SPECIAL MASTER GARRIE: Off the record.

11 THE DEPONENT: Thank you we are over the
12 record it's 3:50 p.m.

13 (Recess taken.)

14 THE VIDEOGRAPHER: We are back on the
04:09:55 15 record it's 4:09 p.m.

16 MR. KO: Thank you for allowing the
17 lawyers and Special Master Garrie to do their legal
18 thing. But I just want to make sure that the
19 record is clear with respect to your answer to the
04:10:10 20 following question.

21 With respect to topic 2D or 3C are you
22 prepared to testify on either of these topics as
23 they relate to friend sharing and the deprecation
24 of friend sharing in connection with Graph v2.

04:10:36 25 MR. BLUME: She is and she said that at

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****CONFIDENTIAL ROUGH DRAFT****

04:10:38 1 the outset.

2 MR. KO: I was asking Ms. Hendrix.

3 MR. BLUME: It's a legal question on

4 prepare you already asked that in the third

04:10:45 5 question of the day, yes she's prepared to do that,
6 accept as it relates to targeted advertisers.

7 Q. (By Mr. Ko) Ms. Hendrix can you answer

8 that question?

9 MR. BLUME: It's -- it's.

04:10:57 10 Okay and you asked and answered you can
11 answer go ahead.

12 THE DEPONENT: It's still yes.

13 Q. (By Mr. Ko) Thank you.

14 And as it relates to third party
04:11:10 15 developers that actually continued to access friend
16 information post deprecation of this friend
17 sharing, are you prepared tomorrow testify on that
18 topic?

19 MR. BLUME: Objection.

04:11:28 20 THE DEPONENT: When V1 was deprecated
21 there was no concept of requesting friend
22 permissions from people.

23 Q. (By Mr. Ko) Do you mean when you say
24 there was concept of requesting friend permissions
04:11:48 25 from people?

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****CONFIDENTIAL ROUGH DRAFT****

04:11:49 1 A. I mean the product -- it just wouldn't
2 work. Right. If you didn't move your app and
3 build off of v2 from a technical standpoint at
4 deprecation of V1 you could no longer call the

04:12:07 5 Graph API and we have any friend permissions.
6 There was no longer the ability to request friend
7 permissions. You have said friend sharing and
8 friend data. I just want make sure we are clear.
9 Because today you ask people to share inapp friend
04:12:23 10 list which returns of course the friend public
11 friend profile picture and name if that person has
12 an opted out of platform. So that's why they
13 terminology is really important here. So friend
14 permissions once V1 was duly deprecated a longer a
04:12:41 15 thing from a product perspective.

16 MR. BLUME: There you go.

17 Q. (By Mr. Ko) Are you familiar with the
18 term whitelisting?

19 A. Yes.

04:12:51 20 Q. What's your understanding of that term?

21 A. It's a.

22 MR. BLUME: Hold on. This is clearly
23 topic 7.

24 MR. KO: That is not. You have
04:13:01 25 superficial understanding of these topics

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****CONFIDENTIAL ROUGH DRAFT****

04:13:03 1 Mr. Blume.

2 Q. (By Mr. Ko) Can you please answer that
3 question?

4 MR. BLUME: Was -- was that a personal
04:13:08 5 insult. Wow whitelisting topic 7 is discuss
6 whitelisting. What -- here the problem is.

7 SPECIAL MASTER GARRIE: One second,
8 Counsel Blume.

9 MR. KO: Note your objection.

04:13:23 10 SPECIAL MASTER GARRIE: Counsel Ko.
11 Counsel Blume I say it more one more time. Say the
12 objection. I believe the objecting
13 Mr. Counsel Blume your saying is Objection. Beyond
14 the scope of what this witness is here to testify
04:13:34 15 to; is that your objection is.

16 MR. BLUME: Yeah well he first got
17 answered but thought about off the record. That's
18 fine now moving what is topic seven whit list
19 particular apps I'm hard pressed to see where that
04:13:50 20 falls in her topics.

21 SPECIAL MASTER GARRIE: Is your
22 objection.

23 MR. BLUME: The objection is beyond the
24 scope.

04:13:57 25 SPECIAL MASTER GARRIE: Got it.

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****CONFIDENTIAL ROUGH DRAFT****

04:13:59 1 Counsel Ko.

2 MR. KO: Well, my position is very

3 consist how it has been before. Mr. Blume is

4 perfectly entitled to note his objection for the

04:14:06 5 record. But I would ask that Ms. Hendrix answer

6 the question regardless and more -- when asked her

7 first if she was familiar with the term

8 whitelisting. So she said yes so I'm styled to her

9 understanding what is.

04:14:22 10 MR. BLUME: She is corporate

11 representative.

12 SPECIAL MASTER GARRIE: She's a 30(b)(6)

13 witness on specific issues Counsel Ko so if they

14 relate to the topics at issues she is hear too

04:14:34 15 testify please show the topic and issue she own

16 how -- where whitelist is stated and then I can

17 then issue a ruling on whether or not I will order

18 the witness to answer the question or not.

19 MR. KO: Special Master Garrie Facebook's

04:14:50 20 monitoring an \everyone\enforcement of third

21 parties is obviously related to both the continual

22 access of friends data and relatedly the

23 whitelisting by Facebook of certain third parties

24 to continue to access that data, so the monitoring
04:15:07 25 and enforcing of user information is fundamentally

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****CONFIDENTIAL ROUGH DRAFT****

04:15:11 1 related to the whitelisting of these permissions.

2 In addition topic 2D indicates how
3 Facebook insured third parties use of data or
4 information was in fact limited to the use case.

04:15:23 5 If there were whitelisting or exceptions or any
6 other special permissions that continued on and
7 that Facebook continued to allow third parties to
8 access I am certainly entitled to explore and
9 ellies sit testimony regarding how Facebook

04:15:39 10 monitored and enforced those third parties.

11 THE DEPONENT: Can you read the back the
12 question court reporter.

13 (Record read as follows:

14 MR. KO: Was the question at four.

04:16:47 15 MR. BLUME: If I may be heard?

16 MR. KO: The idea Special Master Garrie
17 that I can lay foundation.

18 SPECIAL MASTER GARRIE: No wait stopped.

19 I haven't ruled just because I haven't -- as

04:17:02 20 reiterate relates to the topics you here to testify

21 about as whitelisting relates to that's topics

22 Ms. Hendrix, can you please answer the question I

23 know I note your objection for the record

24 Counsel Blume but it's overruled as it relates to

04:17:16 25 the topics you are here to speak to please provide

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****CONFIDENTIAL ROUGH DRAFT****

04:17:19 1 your answer to the question.

2 THE DEPONENT: I just don't understand

3 how it relates to monitoring and

4 \everyone\enforcement if friend permissions have

04:17:31 5 been deprecated then there's no friend permissions

6 to review for example at app review because

7 developers from a product technical perspective

8 can't answer it so it doesn't make any sense. It's

9 not -- it's not related to why I'm here.

04:17:49 10 Q. (By Mr. Ko) Okay. Are you prepared in

11 connection with any of the topics that you have

12 been designated to speak on about are you prepared

13 to testify on behalf of Facebook as to any aspect

14 of whitelisting at all?

04:18:06 15 MR. BLUME: Asked -- just asked that

16 question and she just answered it.

17 MR. KO: Stop Mr. Blume.

18 SPECIAL MASTER GARRIE: No, you got to
19 object Counsel Blume or let the question.

04:18:16 20 MR. BLUME: Asked and answered. It was.

21 SPECIAL MASTER GARRIE: Answer the
22 question.

23 MR. BLUME: Special Master Garrie it was
24 the question you just asked her.

04:18:27 25 MR. BLUME: You can answer question.

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CONFIDENTIAL ROUGH DRAFT

04:18:29 1 THE DEPONENT: I agree that that my
2 response to Special Master Garrie's question is
3 accurate. I don't see how whitelisting is relevant
4 to the topics on why I'm -- I'm here today. Like I

04:18:43 5 don't -- I don't see it. I'm not trying to be
6 evasive I just don't understand.

7 THE DEPONENT: And I feel like Mr. Ko
8 just might not understand.

9 Q. (By Mr. Ko) Yeah, I'm trying to be very
04:18:55 10 precise with my words and I understand that you
11 don't believe it's relevant. So it's just a simple
12 yes-or-no question for the record.

13 Are you prepared -- do you have an
14 objection Rob?

04:19:12 15 MR. BLUME: Yes asked and answered now a
16 third party. This is just wasting time.

17 MR. KO: Notwithstanding Mr. Blume on the
18 record are you prepared Ms. Hendrix to testify on
19 any aspect of whitelisting as it relates to the
04:19:30 20 happens you have been designated to testify on
21 behalf of Facebook for.

22 MR. BLUME: Objection.

23 Special Master Garrie does she now have
24 to answer that a third time?

04:19:50 25 SPECIAL MASTER GARRIE: Did you was the

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****CONFIDENTIAL ROUGH DRAFT****

04:19:51 1 answer in the -- Ms. Hendrix I I believe was the
2 first second the think the third I believe it was
3 yes but you are not sure.

4 Can you just was affirmative yes I'm
04:20:03 5 confused at this point just yes or no.

6 THE DEPONENT: I said yes to the specific
7 question of whether I'm familiar with the topic of
8 whitelisting is not a define term.

9 SPECIAL MASTER GARRIE: No, no that's
04:20:15 10 knots that's not the question all I'm interested if
11 is are you the question was are you prepared to

12 testify on aspect of whitelisting as it relates to
13 what you ever been designate to testify on behalf
14 of Facebook for.

04:20:38 15 MR. BLUME: I read her answer one thing
16 doesn't relate to the other that's what she don't
17 how it receipts and I think the problem
18 Special Master Garrie is that I don't think Mr. Ko
19 understand the concept so said I don't under how it
04:20:53 20 receipts to monitoring \everyone\enforcement if
21 friend permissions have been deprecated there's no
22 friend permission to review and so it doesn't
23 relate to her topics it's just doesn't relate it's
24 the concept and that's -- my fear is Mr. Ko doesn't
04:21:06 25 understand the concept of whitelisting and so.

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****CONFIDENTIAL ROUGH DRAFT****

04:21:09 1 SPECIAL MASTER GARRIE: Wait one second
2 we can fix this. Can.
3 Can you please define whitelisting.
4 MR. KO: Perfect.
04:21:19 5 MR. BLUME: Not Noe not a corporate what
6 she means.
7 SPECIAL MASTER GARRIE: What understand
8 in her capacity. Well she was asked whether she's

9 prepared to speak to whitelisting in response to
04:21:30 10 any of the topics she's here to speak today.

11 What was stated is, she doesn't
12 understand how whitelisting applies to what she is
13 here to speak about today. I'm asking her to
14 explain to me, her definition of whitelisting so
04:21:44 15 that way I can then -- we can move forward because
16 I don't.

17 MR. BLUME: With all do respect
18 Your Honor. It's how we prepared it's whether or
19 not sufficiently adequately prepared. We have
04:21:56 20 obligation understand the rules to adequately
21 prepare the witness pursuant to the topics as
22 stated. Her personal understanding may mean
23 nothing there is a topic.

24 SPECIAL MASTER GARRIE: I understand my
04:22:06 25 point.

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****CONFIDENTIAL ROUGH DRAFT****

04:22:06 1 MR. BLUME: So.

2 SPECIAL MASTER GARRIE: Well then as --
3 as it is defined. However -- as the corporate
4 representative how dough do you know not believe
04:22:15 5 whitelisting relates in any way to needs you have

6 been designated to speak about it on.

7 MR. BLUME: It's defined in the document.

8 THE DEPONENT: Well I what to.

9 THE DEPONENT: Do the plaintiffs counsel

04:22:33 10 do they define do you want to read their definition

11 if the answer is yes to that first then try to

12 respond.

13 SPECIAL MASTER GARRIE: I thought the

14 deposition actually notice. So that's what I been

04:22:45 15 operating under the understanding of what it is.

16 But so maybe -- is it not there Counsel Blume.

17 MR. BLUME: It's defined in -- in I'm not

18 sure the -- on page ten.

19 THE DEPONENT: In a part whit listed

04:23:03 20 partners any entity or person provided access to a

21 capability such as a permission to read or write

22 information via a specific API call that was not

23 provided to all entities or persons right so with

24 that understanding and that definition.

04:23:25 25 Mr. Cost question is because I have been

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****CONFIDENTIAL ROUGH DRAFT****

04:23:29 1 operating with that definition but and patternly

2 maybe this isn't but the question was from Mr. Ko,

3 Ms. Hendrix Ms. Hendrix testify in any aspect of
4 whitelisting as it relates to what you have been
04:23:51 5 designated to testify on behalf of Facebook. Using
6 the definition that was just read into the record?

7 THE DEPONENT: Thank you for pointing
8 this out to me and I don't have any -- I don't --
9 sorry that I didn't recall that that was in there.

04:24:09 10 I don't, sitting here today that there is
11 any relevancy with respect to anything that I have
12 been told to to be prepared for that relates to any
13 of those topics?

14 THE DEPONENT: I can swear under oath
04:24:25 15 that I just sitting here today, I -- I struggle to
16 come up with anything.

17 MR. BLUME: It's not that she's not
18 prepared it just doesn't apply.

19 SPECIAL MASTER GARRIE: Well,.

04:24:36 20 MR. BLUME: That's the difference.

21 SPECIAL MASTER GARRIE: Well you are --
22 you are -- Counsel Blume he's entitled to answer
23 the question and she's entitled to answer question
24 whether whitelisting is appropriate in her view as
04:24:49 25 to the witness that she designated by Facebook is

****CONFIDENTIAL ROUGH DRAFT****

04:24:52 1 prepared to speak to that and her position is, no,
2 it's not and I don't understand why. Which is what
3 she has said. So we can move forward.

4 MR. KO: This is he this is all --

04:25:06 5 Special Master Garrie this sort of insanity if you
6 will as bell.

7 SPECIAL MASTER GARRIE: No, no adjective
8 there's no -- another -- you need to take more time
9 to think about what you are going to words you are
04:25:18 10 going to use we are going to curb your words will
11 not insanity construction tiff any question any
12 words that not future -- result in future
13 frustration.

14 MR. KO: Noted I apologize I apologize
04:25:37 15 I'm so frustrated today.

16 I have -- the point I wanted to make
17 Special Master Garrie I had asked the question are
18 you familiar with the term whitelisting. The
19 answer was yes. The next question is what your
04:25:51 20 understanding of that term and that is what led to
21 this another 20 minutes on the record of back and
22 forth to a very bass six question.

23 SPECIAL MASTER GARRIE: Well.

24 MR. KO: And of course all of my

04:26:04 25 questions related to Ms. Hendrix.

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****CONFIDENTIAL ROUGH DRAFT****

04:26:06 1 Capacity as a 30(b)(6) witness and,
2 again, Mr. Blume can object for the record but he
3 certainly did not instruct the witness not to
4 answer as he has.

04:26:16 5 MR. BLUME: I can actually.

6 SPECIAL MASTER GARRIE: Yeah.

7 MR. BLUME: I actually can.

8 MR. KO: Only with respect to privilege.

9 MR. BLUME: That's not the rule.

04:26:21 10 SPECIAL MASTER GARRIE: No 30(b)(6) with
11 regards to 30(b)(6) he can -- because the witness
12 is here to testify in certain subjects under the
13 case law in the 9N circuit they have to preserve
14 their rights because of the witness's testimony can
04:26:36 15 be called to trial accordingly so he is obligated
16 to make sure that the witness -- only on the
17 subjects that they are before or been designated
18 as. I -- I -- I believe the case -- don't quote
19 me, but I want there's a ninth circuit base that
04:26:59 20 links in the all over I cannery it as sit here now.
21 So he's tiled to and needs to rated and note the

22 objections for the record and instruct the witness

23 because this statements are binding.

24 MR. KO: Special Master Garrie do you

04:27:26 25 mind I believe we are on the record I men

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CONFIDENTIAL ROUGH DRAFT

04:27:30 1 Ms. Hendrix you have been relieved at some periods

2 of time for the last hour and a half. But I'm

3 dealing with bit of a personal emergency I was

4 hoping that take five minutes to address this and

04:27:40 5 then we get back on the record if you wouldn't

6 mind.

7 SPECIAL MASTER GARRIE: Yeah please open

8 the break out rooms to everybody take time to five

9 minutes we'll con inventor in 35 minutes.

04:27:55 10 THE VIDEOGRAPHER: Okay we off the

11 record. -- rough the record it's 4:28 p.m.

12 (Recess taken.)

13 THE VIDEOGRAPHER: We are back on the

14 record, it's 4:40 p.m.

04:40:57 15 SPECIAL MASTER GARRIE: Ready to go back

16 on the record.

17 MR. BLUME: Yes.

18 SPECIAL MASTER GARRIE: No Counsel Ko was

19 that a yes from you all right we are going back on
04:41:06 20 the record I want to make another statement before
21 anybody says anything.

22 Let's go back on the record.

23 THE VIDEOGRAPHER: Thank you we are back
24 on record it's 4:41 p.m.

04:41:16 25 MS. WEAVER: Okay. This is Special

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****CONFIDENTIAL ROUGH DRAFT****

04:41:18 1 Master I'm going to remind counsel again do not
2 talk each other or I will be all of person so
3 keeper trying -- to get this right. But it is
4 critical for the purposes of the court reporter to
04:41:31 5 have a full and complete record. We -- you are
6 still constantly talking over each other and the
7 witness and advice verify is please endeavor among
8 yourself to allow each other to finish speaking.
9 And show the courtesy and respect and so so on and
04:41:51 10 so forth.

11 With that stayed I will turn it back to
12 Counsel Ko to continue forward.

13 MR. KO: Thank you Special Master Garrie.

14 Q. (By Mr. Ko) And Ms. Hendrix, thank you
04:42:02 15 for your patients. I actually hope to only have a

16 few more series of questions for you. If all goes
17 according to plan so the end is site rat least with
18 respect to that.

19 Q. Now with respect to the topics that you
04:42:25 20 have been designated to testify on behalf of
21 Facebook for,.

22 Are you prepared to testify as to any
23 aspect of these topics as -- as they relate to
24 whitelisting?

04:42:47 25 MR. BLUME: Objection. Asked and

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****CONFIDENTIAL ROUGH DRAFT****

04:42:47 1 answered.

2 THE DEPONENT: I have already made it
3 clear, I believe on the record with all due respect
4 that I am prepared to speak on the topics and based
04:43:00 5 on the definition here of whitelisted partners and,
6 again, saying for the record that we do not have
7 affixed definition as it a corporate company
8 precisely of what that means it can means different
9 things to different people I not able sitting here
04:43:18 10 today after reviewing the topics multiple times
11 able to provide any information that I think is at
12 all relevant on my understanding and this

13 definition of whitelisting to those topics.

14 Q. (By Mr. Ko) Thank you for making that

04:43:33 15 clear.

16 Now with respect to the poll seats and

17 procedures that I believe your counsel has

18 indicated you can testify as to, are there any

19 policies and procedures that relate to third

04:43:50 20 parties use of friend -- use of user information

21 beyond the use case?

22 A. I need to refresh use refers to purpose

23 of any entity to obtain user data.

24 And then your question again I -- I'm

04:44:12 25 sorry.

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****CONFIDENTIAL ROUGH DRAFT****

04:44:14 1 Q. With respect to the policies and

2 procedures that I believe you are prepared to

3 testify on are there any policies and procedures

4 that relate to third parties use of user

04:44:26 5 information beyond the use case?

6 A. What -- wait isn't the opposite of what

7 you asked me are you asking and what policies and

8 monitoring procedures are in place or in place

9 that relate to user data.

04:44:47 10 Q. I don't know?

11 A. For use case.

12 Q. I don't what understanding you have of --
13 of my previous question. But I'm simply asking you
14 this question. With respect to the policies and

04:44:56 15 procedures that I believe you are prepared to
16 testify on, are there any policies and procedures
17 that relate to third parties use of user
18 information beyond the use case?

19 MR. BLUME: Objection.

04:45:20 20 THE DEPONENT: There are policies with
21 respect to use of friend data and they exist today
22 we still allow to share inapps friend list and in
23 terms of monitoring for user information than yes
24 there's an app review team and there's other teams
04:45:43 25 within DevOps that review apps for compliance with

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****CONFIDENTIAL ROUGH DRAFT****

04:45:49 1 policies govern use of user information.

2 Q. (By Mr. Ko) And those policies that
3 govern the use of user information what are they
4 and to be helpful.

04:46:11 5 A. Well.

6 Q. I'm referring to the specific ones that

7 you just mentioned in your prior response.

8 A. Well I didn't mention specific policies I

9 just said you know there's still a friend -- there

04:46:26 10 are still -- a friend a friend related policies

11 because the login product still allows to access

12 inapp friend list so there are friend specific

13 provisions.

14 A. I believe there's two that relate to use

04:46:40 15 of friend information and then there's other

16 policies for use of user information in the

17 platform terms and the developer policies and the

18 term -- the terms of service perhaps elsewhere but

19 for the relevant topics that's the locations that

04:46:58 20 come to mind.

21 Q. Any other policies that you can think of

22 that contain this information?

23 MR. BLUME: Objection. Form.

24 THE DEPONENT: I don't have anything

04:47:10 25 further to add in response to what I said.

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****CONFIDENTIAL ROUGH DRAFT****

04:47:23 1 Q. (By Mr. Ko) Given your understanding of

2 the term whitelisted apps as indicated in this

3 notice are you aware of whether or not the SRR ever

4 indicated at any time that Facebook was going to
04:47:48 5 allow whitelisted partners to continue making
6 specific app calls with respect to friend data?

7 MR. BLUME: Objection. Form.

8 THE DEPONENT: I -- I -- it's hard for me
9 to answer my question because I don't like the way
04:48:11 10 you worded so it's hard for me to do like yes or
11 no.

12 Q. (By Mr. Ko) What part of the question
13 did you not like?

14 A. I'm -- I'm going to need you to restate
04:48:25 15 it.

16 Q. You have a certain understanding of
17 whitelisted partners you had indicated that to me
18 earlier, right?

19 A. Yes, and -- and I believe that I'm
04:48:37 20 supposed to for -- my purposes today, adopt this --
21 this description in No. 26. Is that correct?

22 Q. Given the definition of whitelisted
23 partners or whitelist or whitelisted or
24 whitelisting as indicated in paragraph 26 of the
04:48:58 25 notice, do you know whether or not SRRs at any time

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CONFIDENTIAL ROUGH DRAFT

04:49:03 1 ever indicated that Facebook was going to whitelist
2 certain apps and permit them to continue accessing
3 friend information after 2014?

4 MR. BLUME: Objection. Form.

04:49:18 5 THE DEPONENT: That would not be anything
6 in the SRRs.

7 Q. (By Mr. Ko) Same question with respect
8 to the data use policy. Or all iterations there
9 to.

04:49:33 10 Did the data use policy at any time ever
11 indicate that Facebook was going to whitelist
12 certain apps and permit to them to accessing friend
13 data after 2014?

14 MR. BLUME: Objection. Form.

04:49:48 15 THE DEPONENT: The data policy at all
16 times during the relevant period made clear to
17 people what data was available through the
18 platform. So like I said to the extent the V1 apps
19 were still live regarding of when they were

04:50:03 20 deprecated those disclosures were there in multiple
21 locations including the controls and settings that
22 people had to control their information we never
23 removed those disclosures until it was no longer
24 relevant to people.

04:50:23 25 Q. (By Mr. Ko) And I know you testified

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CONFIDENTIAL ROUGH DRAFT

04:50:24 1 that you don't recall exactly when that occurred.
2 But with respect to the rolling out of v2 or Graph
3 v2, when that occurred, was there any aspect of the
4 data use policy that ever indicated that Facebook
04:50:42 5 was going to whitelist certain apps and permit them
6 to continue accessing friend data?

7 MR. BLUME: Objection.

8 THE DEPONENT: I don't believe that we
9 would have communicated that in the data use
04:51:01 10 policy. Sorry I hear myself speculating I'm having
11 afternoon fatigue that just wouldn't be the
12 location -- the -- that's not the purpose of the
13 data policy poll.

14 Q. (By Mr. Ko) So to be the clear data
04:51:15 15 policy did not disclose or reflect any indication
16 that Facebook was going to whitelist certain apps
17 and permit them to continue accessing friend data,
18 correct?

19 MR. BLUME: Asked and answered.

04:51:40 20 THE DEPONENT: The -- the data use policy
21 told people including the product itself, right so
22 when user goes to login they would see that the app

23 was requesting friend information right and the
24 users friends were still able to see that they
04:51:56 25 could unless they opted out of platform enabled

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CONFIDENTIAL ROUGH DRAFT

04:52:00 1 their friends who those who choose platform and log
2 in to apps. So all of facts with respect to how it
3 worked were available to people at all times
4 throughout both the product and the user experience
04:52:13 5 by using the product and through the privacy and
6 app settings and -- and data use poll seen and help
7 center and all of the educational tools that we
8 have discussed flowed the dated. Always made it
9 clear that that was how the platform worked now a
04:52:31 10 somebody set of the platform that's developing on
11 v2 worked in a different way but it's more
12 important to tell people what is happening with the
13 V1.

14 Q. (By Mr. Ko) So in connection with the
04:52:46 15 data use policy, was there ever a disclosure at any
16 time over the relevant time period that Facebook
17 was going to whitelist certain apps and permit them
18 to continuing accessing friend data?

19 MR. BLUME: Objection. Form.

04:53:08 20 THE DEPONENT: I don't -- I don't know.

21 I -- I'm sure we have versions I could find out. I
22 don't believe that we would have done so. Because
23 it's not the right document, that's...

24 Q. (By Mr. Ko) Regardless of whether or not
04:53:22 25 it was the right document and and you have and we

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****CONFIDENTIAL ROUGH DRAFT****

04:53:29 1 provided your counsel and it sounds like to you
2 ultimately a copy of or at least a reference to the
3 fact that we were going to discuss the data use
4 policy among the other policies that are
04:53:42 5 applicability to users in this case.

6 Did you in fact review the data use
7 policies in connection with preparing for this
8 deposition?

9 A. I testified earlier today that I reviewed
04:53:57 10 multiple versions of the data use polling sees. I
11 am sitting here today to tell you I don't believe
12 that the contents of any of those versions would
13 have included any topics pertaining to the word
14 whitelist because that again is not what privacy
04:54:12 15 policies or data use policies for Meta purposes
16 that's -- that's not that's not the place I would

17 put it, but I don't recall having seen it in -- all
18 of the versions that I did review.

19 Q. And in connection with the data use
04:54:29 20 policies that you reviewed and were in place over
21 the relevant time period, was there ever any
22 indication or disclosure that in those data use
23 policies that Facebook was going to permit certain
24 third parties to access certain friend information
04:54:53 25 about a user in connection with graft v2?

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****CONFIDENTIAL ROUGH DRAFT****

04:55:00 1 MR. BLUME: Objection. Form.
2 THE DEPONENT: To try to be helpful like
3 there -- there was no disclosure that certain apps
4 would no longer have access to friend information.
04:55:19 5 That is helpful thank you. And, again, I should
6 correct myself all apps even to today should give
7 friend data I should have friend permissions bu
8 I -- I -- just wanted to clarify that point. And
9 when you say that certain apps can continue to
04:55:41 10 continue to get friend data to this day you just
11 talking about the carve out that you had described
12 before the inapp friend list correct yes through
13 the apps because keeping in there's other methods

14 that friends can and we disclose to tell them what
04:56:00 15 they find full of what share with their friends if
16 were just talking about the platform then that's
17 correct.

18 Q. Any other friend information other than
19 the inapp friend list on the platform that a
04:56:14 20 third-party app developer can access today?

21 A. Every since v2 there has not been any
22 friend permissions built whether via a public API
23 or a private or partners rather API. Like I -- I
24 can confirm that that friend permissions have gone
04:56:35 25 a way.

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****CONFIDENTIAL ROUGH DRAFT****

04:57:04 1 Q. Does the term or are you familiar with
2 the term integration partner?

3 A. I am.

4 Q. What is your understanding of that?

04:57:15 5 A. Those are. Those are server providers
6 who build and -- let's use -- I think I can better
7 respond with an example. Like Facebook is
8 available on BlackBerry and BlackBerry is an
9 integration partner and well was available. And so
04:57:37 10 integration partners are people -- are partners who

11 enabled you to replicate Facebook on your -- on
12 their devices. So people could have -- so I guess
13 put differently. If you don't have -- if you don't
14 have an integration partner then you can't use

04:57:56 15 Facebook on -- it just doesn't techily work.

16 They -- they replicate Facebook for people. So
17 they can use Facebook on other things like in their
18 cars. Like [REDACTED] is -- is an example.

19 Q. Are you aware of whether or not any

04:58:17 20 integration partners continue to access friend data
21 after 2014?

22 MR. BLUME: Objection. Beyond the scope.

23 THE DEPONENT: Hum.

24 MR. BLUME: Hold on.

04:58:35 25 THE DEPONENT: Okay.

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****CONFIDENTIAL ROUGH DRAFT****

04:58:35 1 MR. BLUME: Same question with regard
2 integration third parties instruct you not to
3 answer. Beyond the scope.

4 Q. (By Mr. Ko) Are you going to follow that
04:58:45 5 instruction?

6 A. Yes.

7 Q. Are you aware of whether or not the SRR

8 or any iteration there to every indicated at any
9 time that Facebook was going to permit certain
04:59:06 10 integration partners to continuing accessing friend
11 data after 2014?

12 MR. BLUME: Objection.

13 THE DEPONENT: I'm aware that even from
14 the relevant people up until today there is a
04:59:21 15 service provider section within the context of the
16 data use policy which is directly incorporated by
17 reference in the terms of service and/or SRR and
18 that explains very clearly that there are service
19 providers who help us provide services such as our
04:59:39 20 products I'm not quoting me on the language and
21 those integration partners for example, would be
22 agreeing to terms and those terms had provisions on
23 user data, which required those partners to be very
24 clear about what it was they were collecting and
04:59:53 25 how they were going to use that information that

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****CONFIDENTIAL ROUGH DRAFT****

04:59:56 1 could only be used in accordance with our agreement
2 with integration partners which whose to Facebook
3 for example on the BlackBerry service app phone
4 rather.

05:00:06 5 Q. (By Mr. Ko) So your understanding of
6 sorry. So your understanding of integration
7 partners and your description of integration
8 partners is that they fit under the umbrella of the
9 service provider language and the data use policy?

05:00:26 10 A. Say that again you cut off.

11 Q. The description of integration partners
12 that you have provided is it your understanding
13 that they would fit under the umbrella of the
14 service provider language in the data use policy?

05:00:48 15 A. It does.

16 Q. So does do the he think I answer the to
17 question but I'm going to ask it nonetheless so
18 that the record is clear.

19 Did the data use policies ever indicate
05:01:13 20 at any time that Facebook was going to permit and
21 integration partner to continue accessing friend
22 data after 2014?

23 A. There's too much waving op concepts going
24 on in your question. The --

05:01:31 25 Q. It's complicated case?

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****CONFIDENTIAL ROUGH DRAFT****

05:01:32 1 A. Sorry go ahead.

2 Q. Go ahead sorry I didn't mean to

3 interrupt?

4 A. The data use policy told people about the

05:01:40 5 Facebook platform and how they could control their

6 information with applications on that -- that use

7 the Facebook platform. But there's also another

8 section I believe it's been mostly referred to as

9 service providers and our just added upon that

05:01:57 10 which is another paragraph which is different and

11 distinction and that telling people that we have

12 certain partners, you know, I would have to pull

13 the precise language. That help us provide our

14 products and so the example in that service

05:02:14 15 provider section that I'm referring to is that

16 these integration partners allow users to access

17 Facebook for exam will [REDACTED] to enable people to

18 share their [REDACTED] device hardware like when you

19 are on using playing that game and they beat their

05:02:32 20 friends they could because of their service

21 provider relationship with us enable people to

22 share on Facebook some story they beat their friend

23 in a game or they beat super Mario brother for

24 example.

05:02:48 25 Q. So is it your term that there were

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****CONFIDENTIAL ROUGH DRAFT****

05:02:50 1 aspects of the data use policy that communicated to
2 users that service providers including but not
3 limited to integration partners continue to access
4 information about a users friend; that fair to say?

05:03:06 5 MR. BLUME: Objection. Form.

6 THE DEPONENT: I don't remember if the
7 word integration was in there but the word part is
8 in there and the first sentence of multiple
9 versions if not all of them is very clear to
05:03:18 10 people. That we have partners that be us provide
11 access to and to Facebook's products like to
12 improve them I should stop rambling and what it
13 says and actually refer to the precise language.
14 But it's always been clear.

05:03:36 15 Q. (By Mr. Ko) Is there language in the
16 data use policy that reflects -- that reflects how
17 Facebook would control or not control the
18 information that a third party would acquire about
19 a user or a users friend?

05:04:01 20 MR. BLUME: Objection. Form.

21 THE DEPONENT: The data use policy has
22 always told about what third party applications can
23 access through or platform and what including the

24 information that their friends can share. It's
05:04:15 25 always been clear.

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****CONFIDENTIAL ROUGH DRAFT****

05:04:20 1 Q. (By Mr. Ko) Is there anything in the
2 data use policy that reflects any language about
3 how Facebook would monitor or enforce the use of
4 that information once it was acquired by that third
05:04:35 5 party?

6 A. So the answer is yes, there's information
7 about the fact -- not I should answer yes to your
8 question. So the -- the data use policy tells
9 people to be careful about -- and the terms of
05:04:59 10 service, tells -- tells people to careful what it
11 is they they are sharing and be aware of the
12 information they share not just with their friends
13 but -- but with applications and that those
14 applications are required to respect the users
05:05:13 15 privacy but to be very closely to read their terms
16 of service because the developer also has terms for
17 use of their third party application. So it
18 cautious people so there's relevant language always
19 in the relate van period on the topic of the fact
05:05:30 20 that developers are required to respect their

21 privacy policy their privacy and for people to read
22 the terms and policies of the developer because
23 they govern the developers use of the information
24 that the person is choosing to share.

05:05:47 25 Q. And how did Facebook ensure that third

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****CONFIDENTIAL ROUGH DRAFT****

05:05:50 1 parties were in fact required to respect the users
2 privacy?

3 MR. BLUME: Objection. Form.

4 THE DEPONENT: Throughout our agreements

05:06:01 5 with like we insured because the developers
6 contractually agreed and are obligated to adhere to
7 those terms so in terms of requiring like that is
8 the agreements that we had with developers and the
9 provisions included there in required developers to

05:06:21 10 follow our terms and respect and comply with their
11 own privacy policies.

12 Q. (By Mr. Ko) And those contractual
13 agreements I assume you are talking about the
14 platform policy?

05:06:35 15 A. The platform terms and developer policies
16 today and any other applicable provision to the
17 extent there is one. But yes those are the primary

18 terms.

19 Q. Are there any aspect or are there any
05:06:52 20 policies other hand the platform terms and
21 developer policies or the platform policy before
22 that that reflects this contractual agreement
23 between Facebook and the third party app developer
24 as to how they would go about respecting a users
05:07:15 25 privacy?

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****CONFIDENTIAL ROUGH DRAFT****

05:07:18 1 MR. BLUME: Objection.
2 THE DEPONENT: So the terms the SRR
3 have -- have disclosures that there's other
4 provisions and at the very bottom of them it tells
05:07:37 5 people that there could be additional terms and
6 policies and it has incorporates by reference the
7 platform terms and in the relevant period the
8 platform policies so it makes people aware that
9 there are terms of use for developers who use our
05:07:55 10 platform and so that's the SRR and then for the
11 data use policy, all -- I won't repeat myself. I
12 think I went over that.

13 Q. (By Mr. Ko) So is it your testimony that
14 the SRRs link to or reference the -- the platform

05:08:19 15 policy or the current iteration of it which --
16 which are the platform terms and developer
17 policies?

18 A. Yes, at -- at the bottom it links to
19 things like the advertising guidelines and other
05:08:32 20 different terms associated with different products
21 for the use of different apps and services that we
22 offer and required third parties to adhere to.

23 Q. And were there specific provisions in the
24 data use policy or excuse me were the specific
05:08:50 25 provisions in the platform policy or the platform

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****CONFIDENTIAL ROUGH DRAFT****

05:08:53 1 terms and developer policies that reflected how a
2 third party app developer was to respect a users
3 privacy?

4 MR. BLUME: Objection.

05:09:12 5 THE DEPONENT: That's aboard statement
6 there are provisions and always have been you have
7 to privacy policy to tell people what it is that
8 you have collect how will use and/or share the
9 information you have comply the privacy policy you
05:09:24 10 have to not be -- don't he mislead confuse or
11 surprise people which could pertain to our topics

12 today. So there were definitely provisions that
13 are privacy related in the formerly known in the
14 platform policies and current versions of the
05:09:45 15 platform terms and developer policies such as only
16 the request the information to mean mean fully
17 improve the users experience. So it's a broad
18 privacy is broad statement so those are examples of
19 privacy related provisions.

05:10:04 20 Q. (By Mr. Ko) With respect to the
21 provisions that you are referring to that required
22 the third-party app developers to respect the users
23 privacy, how did Facebook and monitor and enforce
24 those terms?

05:10:20 25 A. We automatic -- we monitor using both

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****CONFIDENTIAL ROUGH DRAFT****

05:10:25 1 automated and manual means, so we have automated
2 tools that have been dynamic over the years as we
3 have -- we have updated them or built different
4 types of automated monitoring tactics. Good a
05:10:41 5 example would be we built a privacy policy crawler
6 would help crawl and detect broken privacy policy
7 link we have the developers to privacy policy if
8 broken user can't find than the automated crawler

9 can detect that and then a human well no never mind
05:11:01 10 like the automated crawler can -- can detect that
11 and I believe it can automated enforce I don't
12 believe it goes to a human so I maybe mistaken
13 there. But I'm pretty sure the automated is
14 complete but either way the -- the issue gets
05:11:21 15 suffered on addressed and -- oh I should stop I'm
16 ram diagnose even your late operative DUP even
17 fatigue.

18 Q. This automated system is fair to describe
19 that as a preemptive measure?

05:11:37 20 MR. BLUME: Objection.

21 Q. (By Mr. Ko) Or was it more of a reactive
22 measure?

23 MR. BLUME: Objection.

24 THE DEPONENT: I -- I don't know what you
05:11:49 25 mean by preemptive measure I mean the crawler runs

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****CONFIDENTIAL ROUGH DRAFT****

05:11:52 1 and if the app is live on the platform and not in
2 developer mode, for example, like the -- the
3 crawler can -- it I'm not remembering sit here
4 today often I think it's each but -- but I do not
05:12:11 5 want -- I should stop speculating but the crawler

6 proactive calls and detects. So it doesn't like --

7 so I don't what you mean by pre -- preemptive.

8 Q. (By Mr. Ko) Other than this crawler,

9 what were the other ways in which Facebook

05:12:29 10 monitored and enforced terms -- its terms with

11 third parties regarding user privacy?

12 A. [REDACTED]

13 [REDACTED]

14 [REDACTED] [REDACTED]

05:12:53 15 [REDACTED] [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

05:13:12 20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 So it's just meant as a signal and also

24 users people can report apps through for example

05:13:31 25 any post that a person shares from an app. There's

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****CONFIDENTIAL ROUGH DRAFT****

05:13:36 1 an ability at each post for a user to report what

2 they are seeing for multiple reasons. We also

3 receive reports internally, external for example,
4 from the press or other third parties like
05:13:52 5 advertisers might point out something or other
6 developers might observe that there's violations
7 and so through user reports, external and internal
8 reports and then proactive developer operations,
9 team members manually going in to review
05:14:13 10 applications for compliance with the terms and
11 policies and I forgot another privacy related
12 provision. But like the circuit requirements to
13 protect data obtain from us against unauthorized
14 use access or disclosure.

05:14:37 15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
05:14:53 20 [REDACTED]
21 [REDACTED]
22 [REDACTED] so there's a lot of
23 monitoring that goes -- that takes place both in --
24 on Facebook and then off of Facebook depending
05:15:10 25 on -- on yeah, I should stop getting tired. Sorry.

****CONFIDENTIAL ROUGH DRAFT****

05:15:16 1 Q. Would you agree with me Facebook job
2 policy enforcely and monitor API abuse bothered
3 parties on its platform?

4 A. I agree with that we committed to -- to
05:15:29 5 policing our platform through and we did through
6 multiple measures including agreements with
7 developers, at times, we introduced the formal app
8 review them but there was always teams that were
9 proactively reviewing apps for compliance prior to
05:15:47 10 that. So I -- I do agree that Facebook needs to
11 and has had like policy enforcement review measures
12 that have been, you know, effective and practical
13 and proportionate to the platform.

14 Q. But Facebook succeed in effort to police
05:16:11 15 and monitor API abuse on its platform?

16 MR. BLUME: Objection. Hold on. Calls
17 for a legal conclusion. And outside the scope of
18 the topics.

19 Instruct you not to answer on behalf of
05:16:34 20 the organization.

21 THE DEPONENT: Does that I mean in my
22 personal.

23 Q. (By Mr. Blume) No?

24 A. Or I don't answer at all.

05:16:42 25 THE DEPONENT: Okay.

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CONFIDENTIAL ROUGH DRAFT

05:16:43 1 Q. (By Mr. Ko) You are going to follow the
2 instructions of your counsel?

3 A. Yes, sir.

4 Q. Would you agree with me that it was
05:16:51 5 difficult if not impossible for Facebook to capture
6 all the data abuse and misuse that was happening on
7 its platform?

8 MR. BLUME: Hold on. Objection.

9 Compound. Vague and calls for a legal conclusion
05:17:14 10 and beyond the scope of the topics and instruct you
11 not to answer as a 30(b)(6) witness.

12 Q. (By Mr. Ko) Are you going to follow that
13 instruction?

14 A. Yes, sir.

05:17:29 15 Q. Now would you agree with me and of course
16 I'm asking as I always have been for these
17 questions in your capacity as a 30(b)(6) witness
18 that is here to testify on matters such as
19 monitoring and enforcement as re flexed in topic 3.

05:17:48 20 Would you agree that it was difficult if
21 not impossible for Facebook to monitor enforce,

22 police all the API abuse that was happening on its
23 platform?

24 MR. BLUME: Objection. Calls not for

05:18:02 25 facts but opinion of an organization which is

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CONFIDENTIAL ROUGH DRAFT

05:18:04 1 beyond the scope of the 30(b)(6) and for I instruct
2 not to answer.

3 BY MR. BLUME:

4 Q. Know are you going to follow that

05:18:14 5 instruction?

6 A. Yes, sir.

7 Q. Are you aware of any facts speaking on
8 behalf of the company are you aware of any facts or
9 circumstances in which it became known that it was

05:18:27 10 I'm impossible for Facebook to police and monitor
11 all the abuse that was happening on its platform?

12 MR. BLUME: Again, to the extent that you
13 are aware of any facts that relate to some
14 assessment of.

05:18:43 15 SPECIAL MASTER GARRIE: Counsel is there
16 an objection.

17 MR. BLUME: Yeah, I'm about to it's a
18 privilege objection and so I'm define the scope of

19 privilege for her if I may?

05:18:52 20 SPECIAL MASTER GARRIE: Yeah sure I just

21 wasn't sure if there was an objection.

22 MR. BLUME: Yes to extent if you become

23 aware of facts about the possibility of Facebook

24 monitoring as a result of a conversations with

05:19:05 25 legal counsel or based on advice of legal

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****CONFIDENTIAL ROUGH DRAFT****

05:19:09 1 counseling I instruct you not to answer and -- and

2 as well I would object that it is -- sufficiently

3 vague as to outside the scope of the topics about

4 which you are testifying as a 30(b)(6) witness,

05:19:29 5 which is another instruction not to answer.

6 Q. (By Mr. Blume) Are you going to follow

7 that instruction?

8 A. I am nor sure if supposed to wait for

9 Special Master Garrie because he turned on his

05:19:44 10 video and he.

11 SPECIAL MASTER GARRIE: Thank you.

12 THE DEPONENT: That means he might talk.

13 SPECIAL MASTER GARRIE: That is true.

14 Counsel Ko what -- within the scope of what this

05:20:04 15 witness was designated too what does your question

16 map to.

17 MR. KO: Topic 3C Special Master.

18 SPECIAL MASTER GARRIE: Can you read.

19 MR. KO: Facebook's monitoring and

05:20:18 20 \everyone\enforcement of contractual term with

21 third parties regarding their use of a of use's

22 data or information.

23 We can screen share it too for

24 \everyone\enforcement to see. Enforcing.

05:20:38 25 SPECIAL MASTER GARRIE: That would be

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****CONFIDENTIAL ROUGH DRAFT****

05:20:39 1 helpful.

2 MR. BLUME: If I may Your Honor?

3 SPECIAL MASTER GARRIE: One second.

4 Counsel Counsel Blume defense nature what

05:21:08 5 designated by testify to testify to.

6 MR. BLUME: The possibility of monitoring

7 the is a legal conclusion the concept of what

8 constitutes abuse on the platform as a legal

9 conclusion. There are also too vague terms for

05:21:28 10 30(b)(6) witness to opine on and to the extent

11 she's aware of those facts that led to those

12 conclusions they are privileged and therefore in

13 appropriate.

14 SPECIAL MASTER GARRIE: And for the privy

05:21:41 15 guess. But Facebook's monitoring enforced of

16 contractual terms of third parties regarding their

17 use of user data or information including each of

18 policies regulating access regulating access to

19 such data or information beyond the use case.

05:22:02 20 And you -- Facebook put forward this

21 witness to a opinion on this topic.

22 MR. BLUME: Not the -- the Ime pocket --

23 the -- conclusion that something was impossible to

24 monitor that is -- what is -- it's presumably a

05:22:19 25 legal conclusion of impossibility.

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****CONFIDENTIAL ROUGH DRAFT****

05:22:21 1 SPECIAL MASTER GARRIE: No.

2 MR. BLUME: It's sufficiently vague and

3 undefined.

4 SPECIAL MASTER GARRIE: Okay. Noted

05:22:25 5 impossibility in the function not a lawyer. But as

6 a function of her duties as an employee of Facebook

7 whether it was possible or not. Not a legal.

8 Q. (By Mr. Blume) Right?

9 SPECIAL MASTER GARRIE: Testifying

05:22:35 10 conclusion right it's whether or not it was
11 possible to accomplish this and so please answer --
12 so overruled. Counsel Blume subject for the first
13 overruled with respect to the scope. However,
14 still with regards to the objection with regard to
05:22:54 15 privilege for purposes of clarity of Counsel Blume
16 or any conversations you had with lawyers or Blume
17 Blume would you like to instruct the witness with
18 regards to privilege.
19 MR. BLUME: Actually if we just jump off
05:23:06 20 the record I figure out the answer and whether it's
21 privileged and then we go forward.
22 SPECIAL MASTER GARRIE: Okay we'll go off
23 the record.
24 THE VIDEOGRAPHER: We are the reviewed
05:23:17 25 it's 5:26.

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****CONFIDENTIAL ROUGH DRAFT****

05:23:24 1 (Recess taken.)
2 THE VIDEOGRAPHER: Back on the record
3 it's 5:27 p.m.
4 MR. KO: Okay I just want to make sure
05:27:54 5 that Special Master Garrie is is here for this so I
6 will wait. Hello.

7 At this point, Your Honor, Special Master
8 Mr. Blume Ms. Hendrix I'm not going to ask any
9 questions and I going to reserve the right to ask
05:28:17 10 questions related to topics one, topics 2B, 2D
11 topics three and portions of topic six to the
12 appropriate Facebook witness that can answer these
13 questions and reserve the right to seek additional
14 time, so that Facebook can identify the proper
05:28:39 15 witness such that we have our substantive questions
16 answered.

17 But at this point I have no further
18 questions for you thank you for your time
19 Ms. Hendrix.

05:28:48 20 MR. BLUME: If I may
21 Special Master Garrie respond.

22 SPECIAL MASTER GARRIE: I mean, sure.
23 Suddenly I think.

24 MR. BLUME: Yeah, Ms. Hendrix is here and
05:28:58 25 prepared as she said a number of times to speak on

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****CONFIDENTIAL ROUGH DRAFT****

05:29:02 1 these topics. There is no other witness that will
2 speak to those topics. If Mr. Ko has questions for
3 Ms. Hendrix on those topics any one of them that he

4 mentioned he is obligated to ask those today.

05:29:17 5 There is absolutely no reason whatsoever no good
6 faith reason whatsoever to request any other
7 witness address to topics no other witness will be
8 prepared to address any of those topics. That
9 is -- we have fulfilled our obligation to prepare

05:29:36 10 Ms. Hendrix to answer those topics and Mr. Ko had
11 more than sufficient time to get through. We
12 object not only to extending any other deposition
13 to topics for which those witnesses are not
14 prepared. We also object to any extensions of any

05:29:53 15 time based on this deposition. I will note that
16 plaintiff's sent Ms. Hendrix more than 150
17 documents to prepare for this deposition. They
18 asked -- they present two maybe three of those
19 documents the fact that they choose not to to go

05:30:15 20 through the documents the other 147 of them is a
21 choice that they made. The types of questions that
22 Mr. Ko asked are choices he made. And so their
23 fill your to get whatever information they thought
24 that they would want to get is making of their own.

05:30:32 25 If time is an issue, Ms. Hendrix is here

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CONFIDENTIAL ROUGH DRAFT

05:30:35 1 but we will not present another witness on the
2 topics nor will we nor we will bring Ms. Hendrix
3 content back as a 30(b)(6) on these
4 topics -- reports as far as Facebook is
05:30:58 5 concerned, the topics for which Ms. -- Ms. Hendrix
6 designated our now closed with the conclusion of
7 this deposition by Mr. Ko and we will move onto did
8 other topics.

9 MR. KO: I just want to note for the
05:31:12 10 record Special Master Garrie and Mr. Blume that
11 addition to the reasons I identified earlier about
12 why we reserve to right to ask questions to the
13 appropriate witness on these topics, I just want to
14 make sure that the cleared is clear that we have
05:31:28 15 spent substantial amount of time on the record
16 today having basic disputes over the witnesses
17 ability to answer or not these questions and
18 response to topics and just to make clear another
19 ground for which we are seeking to reserve the
05:31:50 20 right to reopen the deposition is Mr. Blume's
21 improper instructions -- instructing the witness
22 not to answer.

23 MR. BLUME: I will.

24 SPECIAL MASTER GARRIE: Counsel Blume.

05:32:02 25 MR. BLUME: I will note

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CONFIDENTIAL ROUGH DRAFT

05:32:03 1 Special Master Garrie the purpose of obviously in
2 your presence is to make those decisions here the
3 objections I made for privilege of course were
4 proper the privilege discussion and the objections
05:32:14 5 to made to scope are certainly proper and the
6 extent that those questions are fit better in other
7 topics which I noted on the record. There are
8 other witnesses who will testify at Mr. Ko failed
9 to make a record I will note that any of the topics
05:32:28 10 for which Ms. Hendrix was designated she was -- she
11 was not prepared for she explained her efforts to
12 prepare.

13 And so again we object to additional time
14 and we object to the extension of the topics or any
05:32:44 15 continuation and we request that
16 Special Master Garrie that you determine that
17 Ms. Hendrix is released from her obligations under
18 the second amended notice of deposition pursuant to
19 rule 30(b)(6).

05:33:00 20 SPECIAL MASTER GARRIE: Well here's the
21 good news I can rule on that. Denied.

22 I will take under consideration both

23 party's positions. I will likely request future
24 briefing limited briefing in the accelerated
05:33:16 25 schedule and issue are more welcome to bring this

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****CONFIDENTIAL ROUGH DRAFT****

05:33:18 1 before Judge Chhabria and use the record
2 accordingly an explain it to him accordingly.
3 If you disagree with my ruling or finding
4 if I do from or the witness or someone else is to
05:33:31 5 be produced to respond. With that noted I thank
6 the witness and we will be finish for today unless
7 there are further questions or requests or rulings
8 of Counsel Blume or Counsel Ko to desire.

9 MR. BLUME: I only note that if I -- I
05:33:56 10 make the request if additional questions or
11 Ms. Hendrix is designated he ask them right nose
12 she here and prepared to continue.

13 MR. KO: We'll stand by original re
14 service rights as noted in the previous six minutes
05:34:13 15 on the record.

16 SPECIAL MASTER GARRIE: And just for the
17 record, to be clear I have no position one way or
18 the other, as to the request to relief beyond
19 denying counsel's Blume that I make the ruling here

05:34:26 20 now.

21 MR. BLUME: Right.

22 THE DEPONENT: And --

23 MR. KO: Thank you.

24 MR. BLUME: And appreciate that and --

05:34:31 25 and -- that's fine we have made -- we have made our

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****CONFIDENTIAL ROUGH DRAFT****

05:34:36 1 point.

2 SPECIAL MASTER GARRIE: So noted we are

3 done. Just make sure the designation is

4 confidential as been recorded. Are there any

05:34:46 5 standing orders for transcripts for 30(b)(6)

6 depositions are we going to standing orders for the

7 other witnesses.

8 MR. BLUME: I believe so I'm the wrong

9 person but I believe that's the case.

05:35:02 10 MR. KO: I apologize I forgot one thing.

11 In my haste to conclude this. I -- are not go make

12 the formal ask on the record Mr. Blume, that you

13 provide Ms. Hendrix SP deposition transcript with

14 the transcript application arm RFP asking Facebook

05:35:22 15 to produce all such material CHECK/CHECK.

16 MR. BLUME: Well the DC we'll DC AG

17 transcript request and that's -- we'll take it
18 under consideration. Again I urge Mr. Ko if you
19 have additional questions for Ms. Hendrix, we are
05:35:44 20 not stopping the deposition. She's here and
21 prepared. And if you choose to end I will consider
22 that that you have nothing further for her.
23 MR. KO: So the record is clear I have of
24 course do have a lot further, but your conditions.
05:35:59 25 MR. BLUME: We'll here.

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****CONFIDENTIAL ROUGH DRAFT****

05:36:00 1 MR. KO: Continued stocks let me finish.
2 MR. KO: Continue objections and not to
3 answer and the fact that there is witness is not
4 prepared to testify as the to basic issues on
05:36:10 5 claims and allegations regarding this case in
6 particular are the reasons why we would hope to
7 seek an actual witness or this witness to actually
8 testify as to these topics.
9 MR. BLUME: Well, I think should be clear
05:36:26 10 so the issues you believe and to her topics,
11 include whitelisting, as it relates to the topics
12 that for which she is designated. We also
13 understand that you asked whether or not they were

14 third-party apps who continued to be given
05:36:42 15 permission to access friends data after May of
16 2015. That she believed was that we objected to
17 under -- under topic 2D that is that that topic.
18 Can you please state for the record any other areas
19 that -- and then privilege of course which we
05:37:03 20 objected to. But because Ms. Hendrix is here and
21 available, if you could put on the record exactly
22 what other topics you believe she -- you were
23 prevented from her asking her about under the same
24 topics so that we can appropriately address those
05:37:23 25 and deal with them rather than burden this witness

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****CONFIDENTIAL ROUGH DRAFT****

05:37:26 1 with when she's here rent available based on your
2 desire to just do it another day. If you put on
3 the record specifically what it is you believe --
4 what information I believe you were deprived from
05:37:38 5 her on the topics for which she was designated and
6 that -- and that were asked about and that were
7 asked about not topic that you were not that you
8 didn't talk about the questions you asked the
9 answers in which you believe deprived in your view
05:37:56 10 objections unfounded.

11 MR. KO: I think the record is clear as
12 to both your instruction and the witnesses
13 inability to ask it -- answer basic questions with
14 respect to topics 2D, and 3C in particular. But I
05:38:13 15 will note for the record, that all of these topics
16 which do relate to monitoring and
17 \everyone\enforcement and how Facebook enforced its
18 policies with respect to third expert use of user
19 information were all the type of that Ms. Hendrix
05:38:37 20 had difficult he on behalf of.

21 MR. BLUME: She's here prepared to talk
22 about the policies with respect to the -- the use
23 of use -- the third use of information. That's --
24 exactly what she's here's to testify to I would
05:38:49 25 suggest that if you have any questions you did not

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****CONFIDENTIAL ROUGH DRAFT****

05:38:51 1 ask about any of her topics you ask them now. We
2 can discuss later or -- or -- debate whether
3 whether or not my objections were appropriate but
4 to topics questions issues that you did not raise
05:39:06 5 and -- and not give Ms. Hendrix the opportunity to
6 testify to we are prepared to sit here right now
7 and -- answer those questions. But we will not

8 consent to simply taking an extra day with her to
9 ask questions or to hit topics that she did not
05:39:23 10 cover today. Because she is very well prepared --
11 I'm sorry she very prepared to read your things to
12 regard to topic 2D or 3KC in particular she is
13 prepared to talk about monitoring. And how
14 Facebook -- how Facebook this quote from the
05:39:39 15 record. How Facebook enforced its policies with
16 third to party party used she prepared to as we
17 said. And so you have questions on that topic.
18 I -- I request that you ask them now.

19 MR. KO: You made per textually clear you
05:39:52 20 do consent to my request and I understand.

21 MR. BLUME: I just said I just said I
22 did. I just said. On the record. Mr. Ko that
23 with regard to topics 2D and 3C you just said, you
24 note for the record quote that all of these topics
05:40:09 25 that -- which do relate to monitoring and how

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****CONFIDENTIAL ROUGH DRAFT****

05:40:12 1 Facebook enforces policies with respect to third
2 party use of -- third parties use of use of user
3 information. That's what you just described. And
4 I'm telling you on the record, with Ms. Hendrix to

05:40:25 5 my left, prepared to answer all of these questions.

6 So if you have them. I beg to ask them now. And

7 don't come back and ask them later we are open and

8 willing to answer those questions as we said all

9 along. That is -- that -- the how that you just

05:40:42 10 quoted was exactly the how that I quoted. And we

11 are more and happy to answer questions on that

12 topic.

13 Q. (By Mr. Blume) You have made?

14 MR. KO: You allowed me to finish. You

05:40:53 15 probably understand my statement in full.

16 I understand and you have made it

17 perfectly clear that you do not consent to our

18 request to reopen this deposition. And I get that.

19 And we obviously oppose that.

05:41:08 20 I will note for the record that one of

21 the reasons why we need another deposition is that

22 you have unfairly and unreasonably limited these

23 topics as you have noted many times on the record

24 today that these topics only relate to the policies

05:41:25 25 and procedures that Facebook enacted in connection.

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****CONFIDENTIAL ROUGH DRAFT****

05:41:30 1 MR. BLUME: You are free -- you.

2 MR. KO: That's all I have to say.

3 MR. BLUME: You are required know I am.

4 SPECIAL MASTER GARRIE: Counsel.

05:41:35 5 MR. BLUME: You are.

6 SPECIAL MASTER GARRIE: Here what we are
7 going to do.

8 THE DEPONENT: You both have been
9 pontificating for sometime on the record we ceased
05:41:43 10 pontification here's what we will do.

11 Bear with me.

12 Ms. Hendrix would you mind stepping out
13 for two minutes so I speak to the lawyers. We will
14 go off the record.

05:41:58 15 THE VIDEOGRAPHER: Okay. We are off the
16 record it's 5:42 p.m.

17 (Recess taken.)

18 THE VIDEOGRAPHER: Okay. We back on the
19 record.

06:03:22 20 SPECIAL MASTER GARRIE: All right let's
21 go on the record.

22 THE VIDEOGRAPHER: 6:03 p.m.

23 MR. KO: Mr. Blume your begging was per
24 suave stiff I will try to ask some more questions

06:03:41 25 but I will note for the record that of course the

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****CONFIDENTIAL ROUGH DRAFT****

06:03:48 1 the positions that we have taken prior to this most
2 recent break is that there are a number of and
3 March rid this this witness she has not prepared to
4 certain as aspects of these topics and that you
06:04:04 5 have given improper instructions not to answer.

6 So for reasons they reserve the right to
7 reopen the deposition. But as long as we are all
8 here, I do want to ask some more follow-up
9 questions with respect to these topics if

06:04:22 10 Ms. Hendrix is still available.

11 MR. BLUME: Okay. Go ahead.

12 Q. (By Mr. Ko) Ms. Hendrix take a look at
13 the notice again?

14 A. I'm here.

06:04:38 15 Q. Okay.

16 A. Can you look at topic three.

17 A. Yes.

18 Q. And can you identify for me all the
19 instances in which Facebook was able to identify
06:04:56 20 whether or not a third party was using Facebook
21 users data or information beyond the use case?

22 MR. BLUME: Hang on one second, please.

23 THE DEPONENT: Again which -- which

24 the -- uses of use of data beyond the use case is
06:05:40 25 covered by which subsection of topic 3.

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****CONFIDENTIAL ROUGH DRAFT****

06:05:43 1 MR. KO: 3C.

2 MR. BLUME: -- enforcement of contractual
3 terms, including enforcement of pool sees regular
4 gull lating access. That one.?

06:06:00 5 MR. KO: That would be.

6 MR. BLUME: Is that -- is that that.

7 MR. KO: That would be what I said when I
8 said 3C.

9 MR. BLUME: Okay. I mean to tent you can
06:06:15 10 answer to regard to the over viewing processes
11 regarding the monitoring \everyone\enforcement if
12 you can if you not.

13 THE DEPONENT: And the question again is
14 what?

06:06:25 15 Q. (By Mr. Ko) Can you identify all the
16 instances in which Facebook was able to identify
17 whether or not a third party was using Facebook's
18 users data information beyond the use case?

19 MR. BLUME: And, again, this talks to
06:06:35 20 processes. Mr. Ko. It's just.

21 SPECIAL MASTER GARRIE: Counsel counsel
22 are you objecting.

23 MR. BLUME: I'm objecting it's beyond the
24 scope. If you are prepared to -- if you have been
06:06:45 25 prepared to talk to the identity of specific

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CONFIDENTIAL ROUGH DRAFT

06:06:47 1 instances as opposed to the overview of the
2 processes which is what topic 3 asks for you may
3 but if you are not prepared you are not prepared.
4 THE DEPONENT: Well during the relevant
06:07:03 5 period from 2007 to 2022, I don't believe we have
6 that logging that I can definitely speak to the
7 process process of developing the setting or other
8 control made available to users to prevent or
9 eliminate or data from being accessed bothered
06:07:25 10 patients including how Facebook monitors an
11 enforces a contractual terms with those third
12 parties. But the specific amounts I don't even
13 think we as a company could produce that if we
14 wanted to and I -- so I don't compare with the
06:07:47 15 knowledge of that.

16 Q. (By Mr. Ko) Can you identify?

17 A. Which is outside of the scope of what I'm

18 reading here.

19 Q. Can you identify all the factual

06:08:00 20 instances or circumstances for when Facebook did in
21 fact detect abuse on its platform?

22 MR. BLUME: And I instruct to the extent

23 that you learned of quote abuse on the platform

24 through conversations with counsel, I would

06:08:15 25 instruct you not to answer. And I -- I obviously

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****CONFIDENTIAL ROUGH DRAFT****

06:08:18 1 review the topic and the question and determine

2 whether it's -- within the copy of topic 3 as far

3 as you are concerned in your prep.

4 Q. (By Mr. Ko) I'm not prepared to answer

06:08:31 5 all of the nor do I think Facebook can answer all

6 of the amount or violations of performance sees

7 that we have suffered in apps from 2007 to 2022.

8 Q. Can you describe to the Court whether or

9 not you are aware of the factual circumstances in

06:08:59 10 which Facebook determined that an app was not

11 complying with its policies?

12 MR. BLUME: Objection. How they

13 determined whether they were complying or whether

14 they are complying.

06:09:20 15 MR. KO: I'm trying to ask questions
16 related to this topic and you continue to object
17 during off of scope and instruct to witness not to
18 answer. I thought your begging would allow to
19 allly ask questions that you.

06:09:32 20 SPECIAL MASTER GARRIE: Well--

21 MR. BLUME: Mr. Garrie we walk through
22 topic three with your instructions sir. And put it
23 in -- in -- in identify how -- where it talks about
24 factual instances or circumstances of abuse. Where
06:09:52 25 it topic 3 speaks to the number of instances of

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****CONFIDENTIAL ROUGH DRAFT****

06:09:57 1 abuse. And Mr. Garrie if you show where it is than
2 we will be advised, but there's nothing -- I see I
3 don't operative DUP see the words facts or
4 instances at all in -- in topic 3 and so I'm hard
06:10:13 5 pressed to heard Mr. Ko repeatedly make this
6 witness feel as though she's inadequately prepared
7 on the face of third-party app three the words
8 thats using in questions don't even appear.

9 MR. KO: Pretty simple. Well, if I can
06:10:30 10 respond I will Special Master Garrie.

11 SPECIAL MASTER GARRIE: Can you share

12 your screen and then a response to the point raised
13 by counsel Blume to share your for -- okay your
14 response first Counsel Ko and I will go through it.

06:10:50 15 MR. KO: As we discussed earlier it's bit
16 divorced from -- if a witness cannot testify as to
17 the facts that apply with respect to how Facebook
18 monitored and enforced its contractual terms of
19 third parties. Similarly it's a bit divorced

06:11:05 20 from -- if Facebook is trying to suggest that they
21 cannot provide a witness that will testify as to
22 the facts that apply to how and this is in
23 connection with 2D how Facebook insured third
24 parties use of such data or information was limited

06:11:21 25 to to the use case and this once again goes back to

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****CONFIDENTIAL ROUGH DRAFT****

06:11:24 1 the point earlier where we are discussing where all
2 of these things as Ms. Hendrix has testified before
3 were fairly it Tera tiff and things he value at the
4 factual circumstances changed.

06:11:39 5 So the idea that she can not sit here and
6 testify as to the facts that actually under lie
7 Facebook's monitoring \everyone\enforcement of
8 contractual terms is a bit unreasonable from my

9 perspective and does not comport with the actual
06:11:55 10 testimony that we would hope to elicit it from this
11 witness on these topics.

12 MR. BLUME: As Mr. Ko described prepared
13 to facts with apply this is how quote from what he
14 just said. And she is prepared to testify as to
06:12:13 15 the facts that apply with respect to how Facebook
16 monitored enforced its contractual terms she will
17 testify to that. She will also testify to the
18 facts that apply quote as to how and -- how and
19 this is in connection with 2D he says how Facebook
06:12:28 20 insured their father use of data she completely
21 prepared to testify to that. But if -- Mr. Ko if
22 refer to his question that's what he's asking he's
23 making he's respond to my objection stating what
24 exactly she prepared to but then the questions he
06:12:46 25 has don't ask those questions.

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****CONFIDENTIAL ROUGH DRAFT****

06:12:53 1 MR. KO: Logical to the facts related.
2 SPECIAL MASTER GARRIE: One second one
3 second you are both are repeating your and meant
4 just again so the question is can you describe for
06:13:03 5 the Court whether or not you are aware of the

6 factual circumstances in which Facebook determined
7 that an app was no, ma'am complying with its
8 policies.

9 MR. BLUME: With all due respect that
06:13:16 10 wasn't the question he asked.

11 THE DEPONENT: His question.

12 SPECIAL MASTER GARRIE: No, no well
13 that's the question -- okay that's one question
14 that was asked and you objected how they determined
06:13:25 15 whether they complying or whether they are
16 complying Counsel Ko responded well and then you
17 responded and I don't think an answer was ever
18 provided by the witness and then there was another
19 question asked.

06:13:42 20 MR. BLUME: The question was -- the
21 outstanding question is, are you -- whether or not
22 you are aware quote of the factual circumstances in
23 which Facebook determined that an app specific app
24 was not complying with its policies. But then when
06:13:56 25 he describes in his argument to you what he really

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****CONFIDENTIAL ROUGH DRAFT****

06:14:00 1 wants to know is, quote how and -- how -- how
2 Facebook monitored enforced its contractual terms

3 if just asked that question that he stated in
4 necessary objection Ms. Hendrix will answer that.

06:14:14 5 How Facebook monitored enforced she also answer the
6 next question he defense puts in response to my
7 question which, is how Facebook insured third mate
8 use of data. She's prepared to answer that and
9 that speaks -- that is topic three knew we are

06:14:29 10 prepared. All he has to do is ask those questions
11 and we'll move this along. But he wants specific
12 instances of misconduct which is not topic 3.

13 MR. KO: I don't understand how can talk
14 monitoring without specific instances of misconduct

06:14:47 15 but.

16 SPECIAL MASTER GARRIE: If you are
17 wanting to based already her his argument
18 Counsel Blume is based on her work experiences how
19 did that shape what the things she's here to

06:15:01 20 testify about. It's understand what counsel
21 pointed.

22 MR. BLUME: Yeah, that's not the topic
23 though.

24 SPECIAL MASTER GARRIE: I'm just

06:15:10 25 communicating.

****CONFIDENTIAL ROUGH DRAFT****

06:15:11 1 MR. BLUME: I hear. Yeah, I get it well
2 before overview of the processes of developing
3 privacy or app setting or other controls made
4 available to users to prevent or limit the data or

06:15:32 5 information from being accessed by third party
6 including the dates during which each such privacy
7 or app setting or other control were available.

8 MR. BLUME: Right.

9 SPECIAL MASTER GARRIE: So overview
06:15:48 10 processes.

11 SPECIAL MASTER GARRIE: Specific dates.
12 Then the data and information which is defense
13 defining terms covered by so they then they data
14 and information if you read the definition of
06:16:00 15 information. Can you go up.

16 MR. KO: Sure.

17 SPECIAL MASTER GARRIE: The definition of
18 Counsel Ko I think there is where -- so information
19 as understood maybe my -- it's getting late.

06:16:12 20 MR. BLUME: Page 4 page 4.

21 SPECIAL MASTER GARRIE: Yeah date the
22 information refers to personal information content
23 and information and data collected and derived
24 about users. Users.

06:16:30 25 MR. BLUME: Correct.

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CONFIDENTIAL ROUGH DRAFT

06:16:31 1 SPECIAL MASTER GARRIE: Including wait --
2 including information ordered relevant in the
3 court's October 29th, 2020 this is discovery order
4 No. 9 which on platform off platform or third
06:16:44 5 party. It is extremely broad.

6 MR. BLUME: Yes.

7 SPECIAL MASTER GARRIE: It's coverly
8 usable data -- issue new this case to include data
9 collected from a users on platform activity data
06:16:54 10 obtained from third parties regarding users off
11 platform act five and data inferred from users on
12 or off platform activity so that's how we are
13 defining information so going back to where we are
14 at.

06:17:06 15 MR. BLUME: Yup what of that is covered
16 by each setting is control is the question is the
17 topic, right what of that broad swath of data topic
18 for Ms. Hendrix well that's broad swath of data
19 what is covered by each setting or control.

06:17:22 20 SPECIAL MASTER GARRIE: You asked me walk
21 through so you are saying to prevent or limit the

22 data or information data or information is on or
23 off platform activity with third parties it's
24 specific technical defined information that is how.

06:17:36 25 MR. BLUME: I agree.

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CONFIDENTIAL ROUGH DRAFT

06:17:38 1 SPECIAL MASTER GARRIE: That is how
2 defined in the Court judge correspondly which
3 spoken at length about.

4 MR. BLUME: But the process it's the
06:17:44 5 first sentence it's the processes of the developing
6 privacy made available to prevent or limit the.

7 SPECIAL MASTER GARRIE: No, no privacy or
8 other controls.

9 MR. BLUME: Yeah right but not an
06:17:55 10 instance those are the controls in place what is.

11 SPECIAL MASTER GARRIE: I get you just
12 asked me made available to users to prevent or
13 limit their data.

14 MR. BLUME: Right.

06:18:03 15 SPECIAL MASTER GARRIE: Or information
16 being axe ceilings had including the dates during
17 which of these -- okay I'm walking through covered
18 blah blah and the default setting for each. So

19 there's.

06:18:14 20 MR. BLUME: Right.

21 THE DEPONENT: Your point is the scope

22 here from where you read in three as you read.

23 MR. BLUME: Privacy app settings and

24 controls.

06:18:24 25 SPECIAL MASTER GARRIE: All right.

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****CONFIDENTIAL ROUGH DRAFT****

06:18:24 1 MR. BLUME: That's what it is, that's the
2 scope.

3 SPECIAL MASTER GARRIE: For data or
4 information.

06:18:29 5 MR. BLUME: Right. Privacy for app
6 settings or other controls that's what this topic
7 focuses on.

8 SPECIAL MASTER GARRIE: The point where
9 is -- Counsel Blume is accessed by third parties,
06:18:41 10 right. So their -- and your point your argument is
11 that doesn't cover the specific factual background
12 that generated.

13 MR. BLUME: Well the topic is focuses on
14 privacy or app settings or other controls that gosh
06:18:56 15 all of this stuff. That's what this focuses on

16 they could have written a topic that said identify
17 all instances in which a third party improperly
18 accessed data that's not what this says I don't
19 deny they want that information. But this specific
06:19:11 20 topic talks about privacy and app setting and
21 controls.

22 SPECIAL MASTER GARRIE: 3D.

23 Q. (By Mr. Blume) Cover all this stuff?

24 SPECIAL MASTER GARRIE: 3D theory 3B or
06:19:18 25 not.

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****CONFIDENTIAL ROUGH DRAFT****

06:19:21 1 MR. BLUME: Yes.

2 MR. KO: Yes this all topics.

3 SPECIAL MASTER GARRIE: This where.

4 MR. BLUME: Privacy an app set.

06:19:24 5 SPECIAL MASTER GARRIE: Wait, wait.

6 MR. BLUME: Pro eds so.

7 SPECIAL MASTER GARRIE: Investigation.

8 MR. BLUME: Sorry it's the including:

9 Section leading to section B.

06:19:39 10 SPECIAL MASTER GARRIE: Yeah so including

11 any process processes check. Reviews check.

12 Investigations or particular instances that would

13 drive a particular you investigate a particular
14 activity you explained.

06:19:54 15 MR. BLUME: It's the privacy or it's the
16 privacy app setting or control that -- that -- that
17 monitor investigations not the facts.

18 SPECIAL MASTER GARRIE: You are reached.

19 MR. BLUME: Know goes into it's privacy
06:20:05 20 and apps settings and controls that focus on other
21 processes reviews investigations -- and studies
22 it's normal tells us about the investigations or
23 the queries it's tell us about the -- privacy or
24 app setting or other controls how they drafted it I
06:20:19 25 mean their own words. I don't how we can viewed in

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****CONFIDENTIAL ROUGH DRAFT****

06:20:24 1 some way that's -- that's -- that requires us to en
2 fore from the very words in the page that it means
3 something other than the plain language.

4 SPECIAL MASTER GARRIE: What about 3C.

06:20:35 5 MR. BLUME: Same way privacy or app
6 settings and other controls including those about
7 Facebook's Monday torque \everyone\enforcement of
8 contractual therms the third program mice sub
9 actions ABC is to discuss and overview of the

06:20:48 10 processes of developing privacy or app setting or
11 other controls.

12 SPECIAL MASTER GARRIE: So then explain
13 what reasoning how does responsible more and
14 \everyone\enforcement relate to what you are

06:21:00 15 talking about.

16 MR. BLUME: What's -- what privacy or app
17 setting are in place that help Facebook monitor
18 enforce contracts tall terms of third parties what
19 controls are in place to help Facebook monitor

06:21:11 20 \everyone\enforcement the contractual terms of
21 third parties not when has third parties violated
22 but what does Facebook do to monitor that.

23 SPECIAL MASTER GARRIE: Just answer my
24 question you keep the other part of the answer.

06:21:23 25 Just focus on my questions. Rather than the -- the

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****CONFIDENTIAL ROUGH DRAFT****

06:21:26 1 other part.

2 MR. BLUME: Yes, I am sorry I thought
3 answered B but that's how topic 3C if you -- sub
4 topics AB and C are included.

06:21:35 5 THE DEPONENT: I get.

6 MR. BLUME: Document.

7 THE DEPONENT: Honestly.

8 MR. BLUME: What privacy.

9 THE DEPONENT: Counsel app setting or
06:21:41 10 controls.

11 SPECIAL MASTER GARRIE: Counsel Blume
12 Counsel Blume I hear you got a -- a second -- take
13 a breath. Just going through I'm trying to
14 understand your position and perspective and then
06:21:52 15 we can have further conversation.

16 MR. BLUME: Right.

17 SPECIAL MASTER GARRIE: So you prepared
18 the witness like from what I -- so from your --
19 from Facebook's perspective the witnesses is
06:22:02 20 prepared to testify as to the process of developing
21 privacy or app settings or other blah blah blah and
22 the date so that's what -- available. Not and yore
23 position is having the witnesses as a
24 representative of the company speak to what drove
06:22:26 25 to particular instances to drive those processes

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****CONFIDENTIAL ROUGH DRAFT****

06:22:29 1 and actions that witness isn't prepare to testify
2 to that.

3 MR. BLUME: Yeah. There's in here that

4 speaks to.

06:22:36 5 SPECIAL MASTER GARRIE: I'm not answer my
6 question I'm.

7 MR. BLUME: Yes.

8 SPECIAL MASTER GARRIE: I'm judging.

9 MR. BLUME: Prepared to.

06:22:44 10 Q. (By Mr. Blume) What perhaps to testify
11 to. Exactly how you described just described. The
12 process he the privacy an upsetting and controls.

13 SPECIAL MASTER GARRIE: Counsel Blume I
14 got answer my question. And not been much of other

06:22:56 15 questions much.

16 MR. BLUME: Got it.

17 THE DEPONENT: Much more get this done.

18 SPECIAL MASTER GARRIE: Understood.

19 MR. BLUME: And if I May, Mr. Garrie in

06:23:15 20 its fair to Ms. Hendrix.

21 SPECIAL MASTER GARRIE: I understand
22 counsel.

23 MR. BLUME: She has.

24 SPECIAL MASTER GARRIE: Counsel Blume I

06:23:20 25 have been a 30(b)(6) witness.

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CONFIDENTIAL ROUGH DRAFT

06:23:21 1 MR. BLUME: Right.

2 THE DEPONENT: Understand the concept
3 the -- instruct I understand the case law don't
4 accept invitation to.

06:23:27 5 MR. BLUME: No I understand.

6 SPECIAL MASTER GARRIE: I'm July
7 scrolling.

8 MR. BLUME: The text.

9 THE DEPONENT: To read what the question
06:23:31 10 was.

11 MR. BLUME: Understood. Okay. And your
12 obstruction -- the long obstruction counsel the
13 short and short of your instruction was to instruct
14 the witness not to answer.

06:24:20 15 MR. BLUME: Right.

16 SPECIAL MASTER GARRIE: Based on it's
17 entity.

18 MR. BLUME: Yes to the question identify
19 all factual instances other circumstances.

06:24:27 20 MR. BLUME: In fact that's the question
21 and did it in fact detect I object I objected that
22 beyond the scope of topic three.

23 SPECIAL MASTER GARRIE: Okay.

24 MR. BLUME: Simply enough.

06:24:36 25 SPECIAL MASTER GARRIE: Thank you. All

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CONFIDENTIAL ROUGH DRAFT

06:24:37 1 right Counsel Ko you can stop sharing.
2 Counsel Ko any -- any point of question
3 before snoop sure, two quick things. One again I
4 just come back to the simple and practical point
06:24:59 5 that I'm not sure how one could suggest that the
6 factual circumstances behind monitoring or
7 \everyone\enforcement are not related to this
8 topic. And No. two with respect to 2D in
9 particular which we have talked about quite often
06:25:14 10 in which Mr. Blume likes to both either ignore or
11 inject policies and procedures into there's no
12 aspect of section 2D which requires Facebook to
13 produce a witness about how Facebook insured third
14 parties use of data and information with limits to
06:25:34 15 the use case. I'm not quite sure how I -- lit any
16 testimony if what ever I'm not allowed to factual
17 circumstances blind how Facebook insured that.
18 MR. BLUME: Again he can's he ask that
19 question.

06:25:48 20 SPECIAL MASTER GARRIE: Yeah.

21 MR. BLUME: Canst CEO how Facebook ensure
22 ask that question. She sit here an answer that as

23 long as we -- we want. Ask that question. Very

24 question that is listed in topic ask that.

06:26:07 25 SPECIAL MASTER GARRIE: So there's a

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CONFIDENTIAL ROUGH DRAFT

06:26:08 1 question pending. Are you going to take the advice

2 of your counsel Ms. Hendrix before we.

3 THE DEPONENT: Yeah, I don't remember

4 the -- yes I'm going to take the advice of counsel.

06:26:23 5 SPECIAL MASTER GARRIE: Okay. Good.

6 Mr. -- Counsel Ko would you like to ask another

7 question I'm not -- I'm -- I'm the parties I

8 probable as -- as both rights are can bring a

9 motion for the Special Master seeking an additional

06:26:43 10 topic or clarification for the 30(b)(6) accordingly

11 for said witness to be provided to speak to that.

12 However, I do so I remind both parties of that

13 opportunity.

14 With that said, Mr. -- Counsel Ko do you

06:27:02 15 have another question.

16 MR. KO: I do thank you Special Master.

17 I will note that just my position on the record I

18 will note that overall this dogs has been so

19 unhelpful just because we spent 17 minutes

06:27:17 20 listening to Mr. Blume discuss with you what this
21 notice means on the record and so I just repeated.

22 SPECIAL MASTER GARRIE: Counsel Ko I
23 wouldn't so much about getting additional time or
24 not getting additional time at this time. I'm

06:27:32 25 inclined if such a request is made maybe not with

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****CONFIDENTIAL ROUGH DRAFT****

06:27:37 1 this witness but if -- I wouldn't focus on the time
2 at this point I would just ask the additional
3 questions you may have.

4 MR. KO: Thank you I appreciate that.

06:27:50 5 Q. (By Mr. Ko) With respect to data Ms. Use
6 on the Facebook platform can you describe the
7 factual circumstances in which Facebook utilized
8 certain policies and procedures to in fact enforce
9 and monitor data use use on the Facebook platform?

06:28:18 10 A. Yes so first we developed the policies
11 that developers agree to and must comply with. We
12 train for example we train the teams accountable
13 for policing the platform which is primarilily the
14 developers operations team so we train them on
06:28:38 15 those policies and create specific guidance and
16 instructions for how they can review apps for

17 compliance with the terms and policies. To the
18 extent we agree that those additional criteria
19 guidelines for reviewing for compliance might be
06:29:02 20 helpful to our teams that are actually going the
21 review.

22 And then we train all of the different
23 teams, so for example, the app review team the
24 enforcement team, the investigations team, all of
06:29:20 25 the vendor vendors that work on reviewing apps for

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****CONFIDENTIAL ROUGH DRAFT****

06:29:26 1 compliance so we will train \everyone\enforcement
2 on those terms. We also train our sales and
3 partnerships and other teams including our own
4 teams as we grow and build new people, so that
06:29:39 5 broad wide group of the company can understand what
6 these terms are so that they can help us police the
7 platform by servicing and identifying those
8 potential violations of terms and Ed indicate how
9 they with report those violations to the
06:29:59 10 appropriate. We teach them how ask questions about
11 the policies to the extent that they have them. We
12 train the external developer community and at times
13 even nondevelopers on our terms where applicable.

14 We do monitoring which has evolved over
06:30:24 15 time different types of monitoring. But we use
16 both automated and manual means to detect potential
17 violations to again including like the reporting
18 chance that I -- that I referred to earlier and I
19 also referred to the [REDACTED]
06:30:44 20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
06:31:09 25 [REDACTED]

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****CONFIDENTIAL ROUGH DRAFT****

06:31:14 1 [REDACTED]
2 We present day asked developers
3 proactively to do -- we put the data use -- do the
4 use checkup tool in front of developers which shows
06:31:31 5 the permissions that they have they already know
6 that they have them and they are available at app
7 dashboard in other settings that we put in front of
8 them. Those permissions and ask them to yearly
9 review that and then assessed whether they still
06:31:47 10 need those provisions. We have automated tools

11 in place that will prevent a developer that
12 accessing a user's information through the platform
13 if they haven't used the application within 90
14 days. We -- we also put certain developers in --
06:32:10 15 with access to certain information or time amounts
16 of installing what we refer to as data protection
17 assessment that ask them questions about their data
18 use practices primarily focused on sections three
19 through six of the platform terms.

06:32:28 20 We require apps to go through app review
21 for nearly all use of the platform if they want to
22 request a new permission than so that would trigger
23 a thorough review of the app at the app review
24 stage each time they want to decide that they are
06:32:47 25 building their app in a way that requires the need

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****CONFIDENTIAL ROUGH DRAFT****

06:32:51 1 to request permissions which require review all of
2 which do for Facebook login. If they are asking
3 for more than named profile picture and email, even
4 those apps that don't require up front app review
06:33:07 5 are reviewed every year during the app re-review
6 process. Where the teams are asking -- are
7 presented with number of questions designed to

8 surface potential violations of the search such as

9 [REDACTED]

06:33:25 10 [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

06:33:45 15 [REDACTED]

16 We have data boundary program where we

17 pay external reporting parties when they report to

18 us so we incentivize the reporting of potential

19 violations as an additional monitoring and

06:34:02 20 \everyone\enforcement tax -- tactic. We have

21 there's a third party I DC attorney CHECK/CHECK

22 which servers to independently be reviewing apps

23 for potential comply with just not our platforms

24 and others and we -- we were the leader in getting

06:34:22 25 that to -- to come into plays we engage an ask for

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****CONFIDENTIAL ROUGH DRAFT****

06:34:27 1 help through the entire community.

2 Again my educating all of these

3 individuals on the terms. Going back to the data

4 point program. We -- that is not just specific to

06:34:43 5 platform term data collection through permissible
6 means it also includes data that is accessed
7 through unauthorized means by scraping us. So that
8 is another part of the bounty that will pay out
9 where the criteria is met for example. If we
06:35:00 10 already are a bear of an investigation because it's
11 been reported either internally surfaced internally
12 by reported by another person externally than we
13 will thank the reporting party. We -- I feel in
14 incredibly come pre sensitive because please let if
06:35:19 15 you have any further questions on that point.

16 Q. Sounds like you got your second wind?

17 MR. KO: Rebecca that amazing good job.

18 THE DEPONENT: I'm not Rebecca but thank
19 you.

06:35:33 20 MR. KO: Right. I wasn't talking to you,
21 I was taling to Rebecca transcribing all of that.

22 THE DEPONENT: Oh.

23 MR. KO: So with respect.

24 MR. KO: Sorry, I implied.

06:35:46 25 THE DEPONENT: I can't see the transcript

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****CONFIDENTIAL ROUGH DRAFT****

06:35:46 1 so I didn't know what referring I can whatever you

2 are referring to. So I am sorry. But I thought
3 were directing your comment to me.

4 Q. (By Mr. Ko) All the examples that you
06:35:59 5 gave in response to my question.

6 Can you identify all the instances in
7 which Facebook actually applied those policies and
8 procedures that you described to a particular app?

9 MR. BLUME: Objection. We are back to
06:36:17 10 topic 3. If you point to which of the topics and
11 sub topics talk about particular instances of
12 applications of the policies.

13 MR. KO: So I'm looking at topic 2D in
14 particular.

06:36:38 15 MR. BLUME: Okay.

16 MR. KO: Addition to 3D. So I don't know
17 if I have to respond to that. But.

18 MR. BLUME: Well she's here.

19 MR. KO: Let me I'm just to the record is
06:36:48 20 clear.

21 Q. (By Mr. Ko) Identify all the instances
22 in which Facebook actually applied those policies
23 and procedures that you described to a particular
24 app?

06:36:57 25 MR. BLUME: How they -- well,.

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****CONFIDENTIAL ROUGH DRAFT****

06:37:00 1 MR. KO: And you object.

2 MR. BLUME: Yeah to the extent it's 2D my
3 objection is she -- I mean clear why you didn't ask
4 to want the just described how they ensure it. I'm

06:37:10 5 not sure how this particular instances fits under
6 2D, so if you educate me I will perhaps mere myth
7 but as read in the plain language of the 2D, I
8 think it's not -- what specific instances is not
9 covered.

06:37:28 10 MR. KO: I don't have a duty to try
11 educate you you can.

12 MR. BLUME: It's your job.

13 MR. KO: Object.

14 MR. BLUME: You want to answer because
06:37:34 15 it's your topic. So you can -- you wrote it. So
16 if you want answer.

17 MR. KO: Stop repeating.

18 MR. BLUME: I would ask educate me on it.

19 MR. KO: This Special Master why
06:37:46 20 completely unhelpful da.

21 SPECIAL MASTER GARRIE: Counsel Ko.

22 MR. BLUME: Mr. Ko that's not use.

23 SPECIAL MASTER GARRIE: Counsel stop

24 talking.

06:37:54 25 MR. BLUME: That is not why.

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****CONFIDENTIAL ROUGH DRAFT****

06:37:55 1 SPECIAL MASTER GARRIE: Stop put yourself
2 on mute. Can you please bring up 2D Counsel Ko. I
3 will rule. Let's see.

4 SPECIAL MASTER GARRIE: Court reporter
06:39:00 5 I'm looking for the question can you read it back
6 court reporter I'm looking for the exact question.
7 Can you read it back please.

8 (Record read as follows:

9 SPECIAL MASTER GARRIE: Counsel Ko are
06:39:40 10 you whether 2D limited to use case can you clarify
11 when you say particular app what do you mean.

12 MR. KO: So a particular well I wanted to
13 start broken which I'm entitled to do. But I am
14 talking about first if she has any understanding
06:39:57 15 with respect to when or the number of times I'm
16 generally speaking either one. Of when she was
17 aware of the actual times in which Facebook applied
18 all the sample she gave of the various policies and
19 procedures that Facebook enacted to a particular

06:40:21 20 app that may have either been using information

21 beyond the use case or in any improper way.

22 SPECIAL MASTER GARRIE: What was the

23 issue how is this beyond the scope Counsel Blume

24 I'm trying to read your answer but it was very

06:41:14 25 long.

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CONFIDENTIAL ROUGH DRAFT

06:41:15 1 MR. BLUME: Because it asks how not when

2 not whatnot which. All words they knew and could

3 have written in this topic but they didn't they

4 choose how and now if he's trying to planned to

06:41:29 5 include when, which, what.

6 SPECIAL MASTER GARRIE: So it your

7 position that Facebook will introduce. If I

8 hypothetically, let the plaintiff submitted another

9 set of 30(b)(6) deposition requests and they modify

06:41:43 10 accordingly will you submit a different witness to

11 answer these questions.

12 MR. BLUME: If there somehow permitted to

13 file additional 30B6s.

14 SPECIAL MASTER GARRIE: Yes.

06:41:54 15 MR. BLUME: We take that under

16 consideration as the -- as to whether -- as to

17 whether put someone up for yet another 30(b)(6)

18 which now be third request -- I mean.

19 SPECIAL MASTER GARRIE: I think my pretty

06:42:08 20 clear what -- pretty pretty clarity as to this

21 part. So okay.

22 MR. BLUME: If yeah they want -- if

23 you -- if you want give permission to continue with

24 another -- with another 30(b)(6) witness on those

06:42:23 25 specific topics we know they know how ask them they

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****CONFIDENTIAL ROUGH DRAFT****

06:42:27 1 should do properly and we'll consider when we get

2 it.

3 SPECIAL MASTER GARRIE: Is the witness my

4 concern is witness isn't prepared to answer the --

06:42:42 5 the other pieces of the question; is that basically

6 your concern.

7 MR. BLUME: Right I would ask -- I would

8 ask you to determine that it -- she wasn't required

9 to prepare because then that's going to -- we'll

06:42:56 10 deal with another request that's separate but I

11 don't want to this believe whether she read how and

12 she have somehow interpreted how to mean, what and

13 when and which. And that she's somehow was

14 inadequate in efforts to prepare. She spent a lot

06:43:12 15 of time doing this and just don't think it's fair
16 to suggested that when -- when we read how, whether
17 they are titled to do again in another depo or
18 another.

19 SPECIAL MASTER GARRIE: I got

06:43:24 20 Counsel Blume I noted your request for the record.
21 You stop sharing Counsel Ko. I'm going to reframe
22 from issue any ruling to your request Counsel Blume
23 in part because I just haven't read them all. But
24 I do.

06:43:46 25 So Counsel Ko, so Ms. Hendrix, returning

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****CONFIDENTIAL ROUGH DRAFT****

06:43:50 1 back to you, which is what we are here for.

2 I counsel the objected as beyond the
3 scope. Is that correct Counsel Blume I believe
4 that was your objection.

06:44:03 5 MR. BLUME: It was.

6 SPECIAL MASTER GARRIE: Okay. Are you
7 going to heed the advice of counsel so I have
8 reread it all but we are talking about 30 pages so
9 I just cutting to the chase.

06:44:15 10 THE DEPONENT: I'm prepared to answer
11 everything that is described in the topics and I

12 agree with my counsel that nothing in here asked to
13 prepare how many violations of specific provisions
14 we suffered over the years.

06:44:32 15 SPECIAL MASTER GARRIE: I'm not ruling
16 any which way or the other as to that I haven't I
17 wasn't privy to motions or the conversations
18 between the lawyers so we -- I don't know what was
19 exchanged I understand and appreciate what you are
06:44:45 20 coming from. And I -- and I -- and I commend you
21 for your patients today and as I thought it was
22 three hours as well.

23 So with that said Counsel Ko, so are you
24 going to answer the question or -- or follow the
06:45:02 25 instructions of counsel.

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****CONFIDENTIAL ROUGH DRAFT****

06:45:04 1 THE DEPONENT: I'm not prepared to answer
2 subjects that were not included in the topics that
3 I was asked to prepare for so I -- I can answer the
4 question I'm going to follow my advice of counsel.

06:45:18 5 SPECIAL MASTER GARRIE: There you go
6 we'll stop there.

7 Counsel Ko ask another question.

8 Q. (By Mr. Ko) So outside of the examples

9 that you gave for the various ways in which
06:45:31 10 Facebook would enforce, was it also the case that
11 individual employees often determined whether or
12 not Facebook would enforce against a particular
13 third party?

14 A. Human beings are charged with -- to the
06:45:51 15 extent they are for example on developer they are
16 accountable to understand and known the policies to
17 then they have questions or surface any gray areas
18 and aren't sure. There are teams like the data
19 point management \everyone\enforcement and product
06:46:07 20 policy team that manages most of the provisions in
21 the developer policies except those that apply to
22 collection and use of data obtained from us.

23 They would review those applications for
24 compliance. And to the extent they surfaced a
06:46:24 25 violation they wouldly to enforcement rubric that

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06:46:28 1 is a -- a document that outlines each provision and
2 what the -- the appropriate \everyone\enforcement
3 action is if we suffered those violations. And
4 then they would be instructed to follow those --
06:46:48 5 that -- and that take that appropriate

6 \everyone\enforcement action. I didn't speak in
7 grab you largest contributors with respect to the
8 \everyone\enforcement actions they could take but
9 it's the \everyone\enforcement actions would be
06:47:00 10 decided when we launched the policies an initially
11 which was first developed in 2009 because we wanted
12 to ensure consist and uniform maltee in enforcement
13 no one is accountable for making exceptions because
14 we are not an exceptions based company. If we
06:47:24 15 surface violationen farce exhibit with the
16 \everyone\enforcement rubric and we do so for
17 example, today based solely on the nature and scope
18 severity of the violation and not with respect to
19 the relationship that we have with the -- the
06:47:41 20 developer who has been concluded by a human as
21 violating a specific provision.
22 Specific of how it's gone during the
23 relevant period, it is true that during a period of
24 time, the \everyone\enforcement rubric did have a
06:47:56 25 protocol for reaching out to anyone who managed the

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06:48:00 1 relationship with the partners to notify them that
2 their partners has been found to be violating one

3 or more of the respective provisions that has
4 changed and now we do not have that protocol and
06:48:13 5 procedure they were -- they are notified via what
6 we refer to as -- as a FYI email that outlines what
7 we have surfaced and the fact we will be reaching
8 out to partner through the developer operations
9 team. So that they can be prepared to respond to
06:48:29 10 the developer to the extent that a developer has
11 any questions or confusion we encourage developers
12 to rely to communications that we have sent that
13 outline the violations but it is common -- common
14 practice for a developer that has -- that is --
06:48:48 15 that is a managed partner to reach out to their --
16 the person at the company that they have Louisiana
17 direct relationship with on and but no additional
18 time is given in the context of that. So
19 developers -- all developers whether managed or
06:49:05 20 unmanaged must comply with the terms. There are no
21 exceptions and they have the exact same amount of
22 time afforded to them whether they are managed or
23 unmanaged. And the enforcement rubric is what we
24 look to when the team surfaces a violation.

06:49:22 25 Q. And what is the case that aural

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06:49:24 1 developers did in fact comply with these terms?

2 A. I don't understand your question.

3 Q. Are you aware of the instances in which

4 developers did or did not comply with the terms

06:49:43 5 that you had described a moment ago?

6 A. As we have done throughout today, I do my

7 own bitching and moaning I have already answered

8 that question for so for the third time I will let

9 you know I'm not prepared to tell you ever single

06:49:59 10 violation that has been surfaced and confirmed that

11 2007 to 2022 I was not asked to prepare for that.

12 It is not included in the topics that you wrote.

13 It's how do they processes work. I have explained

14 in thorough detail, potential like overly

06:50:18 15 explaining how we are doing this. But, again, I

16 would just ask we try to repeat questions I have

17 answered because I am getting tired but stay here

18 all night.

19 Q. Well to be fair Ms. Hendrix I was

06:50:32 20 responding to your question or your response you

21 didn't understand my question. But it sounds like

22 understood my question?

23 MR. BLUME: Anyway can you ask the next

24 one.

06:50:50 25 Q. (By Mr. Ko) Wasn't it the case that

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06:50:52 1 Facebook existing relationship with a third party
2 and the type of partner they were determined
3 whether or not Facebook was going to enforce its
4 policies against that third party?

06:51:01 5 A. Absolutely not.

6 Q. With respect to the enforcement rubric,
7 can you identify any instances in which employees
8 went outside of that rubric to decide not to
9 enforce against a particular third party?

06:51:19 10 A. As I have just said and said earlier we
11 are not exception based have managed partners
12 additional time to come into compliance due to the
13 need to reach out the managed part necessary so
14 they we surfaced the issue the answer to that is --

06:51:35 15 is sometime during the relevant period where --
16 where look to the rubric and there's a column for
17 manage and unmanaged which shows the -- the
18 developer operations team that they need to take
19 that additional step of notifying the partner

06:51:48 20 manager of what they have surfaced within the
21 application. And but there's not any instances

22 where we would ignore or turn a blind eye to a
23 violation. The only distinction as between
24 unmanaged unmanaged would there have been times
06:52:09 25 where a developer might get a little bit more time

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06:52:12 1 due to the -- the need to reach out to partner
2 manager, but at the end of the day, we always
3 enforce those provisions as we surface any
4 violation.

06:52:24 5 Q. How did Facebook ensure that they were
6 actually enforcing those provisions?

7 A. Through the required through the
8 education of the policies. So your job on
9 developer operations is not to enforce the policies
06:52:41 10 but in order to effectively enforce them you have
11 to ensure that you have a very strong understanding
12 of all of the terms and policies that are
13 applicable to each respective application.

14 To the extent that you acquire that
06:52:53 15 knowledge, if you ever are unsure the process calls
16 to reach out to either the data policy management
17 and enforcement team or for nondata policy related
18 questions for the -- the policies team that handles

19 everything that my team does not you ask for gray
06:53:11 20 areas we will either use that as a trigger to en-
21 form the need to policy enforcement potentially
22 develop going back to another topic to develop new
23 policies so if think we need to be clearer or we go
24 back to the -- the team meet on developer ops and
06:53:30 25 let know hey this is not a gray area this is the

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06:53:32 1 respective provision or provisions that you should
2 site to. Or give other kind of guidance or
3 clarify.
4 So there is through education, we also do
06:53:44 5 Q and A where audit a sample of the enforcement
6 actions that we have taken to and decisions that we
7 have made to assess an ensure for quality assurance
8 perspective expect that we are effectively an
9 accurately poll police the platform consist with
06:54:06 10 the terms and policies that we have in place.
11 So yes, leaning in on all of the
12 additional methods that I described for -- for
13 automated and manual means for education review,
14 re-review.
06:54:28 15 Q. Couldn't executives like Mark Zuckerberg

16 Sheryl Sandberg for that matter determine Schwab
17 enforce a platform policy against a third party?

18 MR. BLUME: Objection. Was -- it
19 couldn't or didn't -- was what the first can you --
06:54:48 20 missed first part of that question.

21 MR. KO: Couldn't.

22 MR. BLUME: Could you either reread or
23 you reask it.

24 MR. KO: Sure.

06:54:59 25 Q. (By Mr. Ko) Couldn't individuals like

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06:55:01 1 Mark Zuckerberg and Sheryl Sandberg for that matter
2 any Facebook executive determine whether or not to
3 enforce the platform policies -- enforce Facebook's
4 Facebook platform policy again a third party?

06:55:20 5 A. So you are wanting to speculate on what
6 our executives might be able to do given their
7 roles at our company?

8 Q. Not I'm asking to speculate. Speculate.
9 I'm asking as a corporate designee of Facebook if
06:55:34 10 you aware of any instances in connection with
11 Facebook's monitoring and enforcement of third
12 parties or whether individuals like Mark or

13 Sheryl Sandberg or any other Facebook executive for
14 that matter could determine themselves whether or
06:55:49 15 not to enforce platform policies against a third
16 party?

17 MR. BLUME: Objection. Compound. and
18 does call for speculation.

19 THE DEPONENT: Yeah the word could of
06:56:01 20 course Mark could decide that if we told him
21 something was against policy, as with any human, he
22 could have feedback like the culinary whether that
23 poll police in place out dated or doesn't make
24 sense given the fact that you know time does go and
06:56:20 25 things change. So sure it's possible that any

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06:56:23 1 human including external people outside of the
2 company could have opinions on whether we should
3 enforce but those opinions would be whether the
4 efficacy and retaining the policy itself or whether
06:56:41 5 it should be clear or not, again we are not an
6 exceptions based policy.

7 Q. (By Mr. Ko) Have you heard of a T0
8 partner?

9 A. I have heard of T0.

06:57:03 10 Q. What is your understanding of T0?

11 A. I don't -- I don't remember. I just know

12 I have heard of it. But it doesn't apply in the

13 context of the monitoring enforcement and policing

14 of the platform and whether to enforce on

06:57:22 15 violations whether you are T0 or however far the

16 numbers go, so I am not remembering right now, I

17 don't -- that's not relevant to the question of

18 whether a developer with that designation has to

19 the extent she even it's relevant to them has that

06:57:40 20 status that's not relevant to the question of

21 whether they are violating our policies and whether

22 we will enforce them.

23 Q. Is there poly \everyone\enforcement

24 Facebook enforce ago as to partner in the T0

06:57:54 25 category?

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06:57:57 1 A. It.

2 MR. BLUME: Object other the ones the

3 policies they already spoken about.

4 MR. KO: I have question you can raise an

06:58:09 5 objection.

6 SPECIAL MASTER GARRIE: Counsel Blume you

7 didn't make an objections are you making an
8 objection.

9 MR. BLUME: I'm trying to save time go
06:58:15 10 back through the policies again or.

11 SPECIAL MASTER GARRIE: Counsel do you
12 have an objection to the question or not.

13 MR. BLUME: No. No objection. Yes.
14 Objection to form.

06:58:27 15 SPECIAL MASTER GARRIE: There you go,
16 please answer the question Ms. Hendrix.

17 THE DEPONENT: I -- sitting here today
18 don't believe T0 or that type of specificity it was
19 managed or unmanaged columns is what I'm confident
06:58:41 20 saying it has been. But it's -- that is certainly
21 not the case today.

22 Q. (By Mr. Ko) Have you heard of a T1 or T2
23 partner?

24 A. Yes and it -- I have just for purposes of
06:58:57 25 our time, same response. We do not take into

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06:59:01 1 accounted what -- what type of partner you are.
2 And we only enforce based on the nature scope and
3 severity of the violation consist can the

4 \everyone\enforcement rubric which does not
06:59:14 5 distinguish between tier zero and no tier partners
6 or anything like that. It's all whether -- whether
7 Facebook knows who you are, and works with you
8 directly through our teams or not, through just if
9 you are just a developer that we haven't -- any
06:59:34 10 type of direct relationship with other than
11 contract with you to comply with our provisions and
12 adhere to our terms, it is not -- same response to
13 any questions that you presented with respect to
14 tire -- tier zero.

06:59:52 15 Q. So with respect to I just make sure the
16 record is clear but with respect to T0T1 and T2 is
17 there any policy or rubric that governed how Facebook
18 would enforce its policies and to partners in these
19 tiers?

07:00:10 20 MR. BLUME: Objection. Asked and
21 answered.

22 THE DEPONENT: I have nothing further to
23 add other than what I have said.

24 Q. (By Mr. Ko) Was it also the case that
07:00:17 25 Facebook would factor in how much third parties

07:00:20 1 were spending on advertising on the Facebook
2 platform before determining whether or not to
3 enforce its policies against these third parties?

4 A. Well the previous question was never the
07:00:31 5 case it's we only had hanged and unmanaged columns
6 in the context of the rubric none of that had
7 whether or not to enforce or not.

8 Now, whether a developer was accepting
9 zero dollars, or a lot more money than zero
07:00:49 10 dollars, that is not a factor in whether to
11 ultimately enforce the provision.

12 Q. So advertising spend was not a part of
13 the enforcement rubric, correct?

14 MR. BLUME: Objection. Asked and
07:01:05 15 answered.

16 THE DEPONENT: Correct it's not a part of
17 the \everyone\enforcement rubric partners might be
18 like can we have more time. This is important
19 partnered used and we would let them know that the
07:01:17 20 developer must come into compliance with our
21 policies and now sitting here present day that
22 doesn't contemplate any extensions of time that we
23 wouldn't afford in -- to a nonmanaged developer
24 and, again, those extensions are baked into the
07:01:33 25 rubric so for example you don't get an extensions

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07:01:36 1 for severity high severity provisions.

2 Q. (By Mr. Ko) Are you familiar with the
3 2012 FTC consent degree?

4 A. Yes, I am.

07:01:47 5 Q. Are you aware of the subsequent 2019 FTC
6 \everyone\enforcement action?

7 A. Yes.

8 Q. So the consent degree and be sent
9 enforcement action would you agree he that would
07:02:00 10 relate to some manner would that relate to
11 Facebook's Monday torque and enforcement?

12 MR. BLUME: Objection to the extent it
13 calls for a legal conclusion -- to extent you
14 understand -- to extent the answer to that question

07:02:18 15 calls into effect conversations with counsel I
16 instruct you not to answer.

17 Q. (By Mr. Ko) So the order which is
18 publicly available for you to read, does have
19 section that contemplates the -- that contemplates
07:02:41 20 broadly Monday torque an enforcement and -- and we
21 did also and I personally remember meeting with the
22 auditor in the context of the 12K so I feel

23 comfortable confirming again and that's public that
24 yes both of those orders do speak to monitoring and
07:03:04 25 enforcement.

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07:03:05 1 Q. Thank you and the -- the initial FTC
2 consent degree in 2012 Facebook agreed to certain
3 provisions and certain things for lack of a better
4 term to improve their Monday torque and

07:03:24 5 \everyone\enforcement of their policies; is that
6 fair to say?

7 MR. BLUME: Objection. To the extent the
8 consent degree speaks for itself as to it's terms
9 it does.

07:03:36 10 SPECIAL MASTER GARRIE: Counsel.

11 MR. BLUME: As to specific.

12 SPECIAL MASTER GARRIE: What's the
13 objection.

14 MR. BLUME: That the consent degree
07:03:41 15 speaks for itself it's the best evidence of what it
16 says.

17 SPECIAL MASTER GARRIE: It's the best
18 evidence P okay.

19 Q. (By Mr. Ko) You can answer?

07:03:54 20 SPECIAL MASTER GARRIE: Are you instruct
21 figure witness not to answer the question or.
22 MR. BLUME: As to the terms of the
23 consent degree is beyond the scope of her topic.
24 But I'm sure you want to show it to her she can
07:04:06 25 walk through it Mr. Ko.

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07:04:08 1 SPECIAL MASTER GARRIE: I don't want to
2 show it to her but Counsel Ko would you like to --
3 so.

4 MR. KO: I would like an answer to my
07:04:17 5 question.

6 SPECIAL MASTER GARRIE: Ms. Hendrix.

7 THE DEPONENT: Yeah.

8 MR. BLUME: You know the answer answer.

9 THE DEPONENT: So the only team that is
07:04:24 10 allowed to interpret the language of each of those
11 orders is the legal team. The only communications
12 with respect to the interpretation of the order is
13 privileged conversations that we had had with the
14 legal team so we rely on the language of the order,
07:04:41 15 but I'm not able to speak to nonprivileged
16 conversations about the order because the legal

17 team interprets and provides guidance on the order
18 and even present day I tell my teams you do not try
19 to interpret the order you go to the legal team to
07:05:02 20 interpret any questions you have about the order.

21 MR. KO:

22 (Discussion off the stenographic record.)

23 MR. KO: Sorry about that Rebecca.

24 SPECIAL MASTER GARRIE:

07:05:23 25 (Discussion off the stenographic record.)

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07:05:24 1 MS. WEAVER: Sounds go we are going off
2 the record we are talking about a 35 minute break.

3 THE VIDEOGRAPHER: Okay we off the record
4 it's 7:05 p.m.

07:16:29 5 (Recess taken.)

6 THE VIDEOGRAPHER: We are back on the
7 record at 7:16 p.m.

8 MR. KO: Ms. Hendrix congratulations I
9 further for questions I just want to note for the
07:16:52 10 record that consist with our prior conversations
11 plaintiffs the reserve the right to -- open the
12 deposition as to these topics.

13 MR. BLUME: And consist I thought with

14 Special Master Garrie's request to finish up those
07:17:11 15 topics short of objecting and debating our the
16 questions that were asked and objected again we --
17 we have -- we are not prepared to bring this
18 witness back on these topics she remains available
19 to answer although we ever gone beyond seven hours
07:17:26 20 we still making her available to answer questions
21 on all those topics and so I again urge you to
22 finish the questions on these topics because
23 those -- it's I Al normal sure what your objection
24 to be to questions not yet asked about topics and
07:17:45 25 why you would be permitted to leave open the

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07:17:48 1 deposition to cover ground you have not yet covered
2 when we are making her available to finish this out
3 today.

4 SPECIAL MASTER GARRIE: I will note be
07:17:58 5 for the record Counsel Blume Counsel Ko post
6 expense tip on the record on this issue two hours
7 earlier. Both sides positions are node. I'm still
8 denying your request counsel Counsel Blume. And.

9 MR. BLUME: Close it out.

07:18:14 10 SPECIAL MASTER GARRIE: No further

11 questions from Counsel Ko; is that correct

12 Counsel Ko.

13 MR. KO: Correct.

14 SPECIAL MASTER GARRIE: Counsel Blume I

07:18:26 15 mean any instructions.

16 MR. BLUME: No, nothing from us.

17 SPECIAL MASTER GARRIE: Okay. Before we

18 go off the record we would standing orders for the

19 transcript this is 30(b)(6) you weren't sure

07:18:39 20 Counsel Blume is anybody from here from your team

21 that might be able to clarify.

22 MR. BLUME: I assume would -- I I'm it's

23 the same standing order as we'll Rebecca but it's

24 the substantial ordering to we ever depositions

07:18:54 25 please.

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07:18:55 1 SPECIAL MASTER GARRIE: As long as it's

2 the same that's fine.

3 MR. BLUME: It's the same.

4 THE COURT REPORTER: Got it.

07:19:02 5 MR. BLUME: Excellent.

6 THE DEPONENT: Rebecca, thank you. Nice

7 to meet everybody but sorry thank you I could see

8 even I participated in that over time agriculture

9 apologize for when I did it I'm sure

07:19:15 10 \everyone\enforcement else -- the same thank you so

11 and I hope good you rest.

12 THE COURT REPORTER:

13 SPECIAL MASTER GARRIE: You are the upon

14 person -- should given talk to.

07:19:27 15 MR. BLUME: Are we off?

16 THE DEPONENT: Thank you.

17 THE VIDEOGRAPHER: Okay to go over the

18 record everybody?

19 SPECIAL MASTER GARRIE: Yes.

07:19:33 20 THE VIDEOGRAPHER: Thank you. We off the

21 record it's 7:19 p.m.

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